

# House File 534

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1 1 HOUSE FILE 534  
1 2  
1 3 AN ACT  
1 4 PROVIDING FOR THE REORGANIZATION OF CERTAIN STATE DEPARTMENTS  
1 5 BY ESTABLISHING A DEPARTMENT OF ADMINISTRATIVE SERVICES,  
1 6 MAKING RELATED CHANGES, PROVIDING PENALTIES, AND PROVIDING  
1 7 AN EFFECTIVE DATE.  
1 8  
1 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 10  
1 11 DIVISION I  
1 12 DEPARTMENT OF ADMINISTRATIVE SERVICES  
1 13 ARTICLE 1  
1 14 DEPARTMENT OF ADMINISTRATIVE SERVICES  
1 15 Section 1. NEW SECTION. 8A.101 DEFINITIONS.  
1 16 As used in this chapter, unless the context otherwise  
1 17 requires:  
1 18 1. "Agency" or "state agency" means a unit of state  
1 19 government, which is an authority, board, commission,  
1 20 committee, council, department, examining board, or  
1 21 independent agency as defined in section 7E.4, including but  
1 22 not limited to each principal central department enumerated in  
1 23 section 7E.5. However, "agency" or "state agency" does not  
1 24 mean any of the following:  
1 25 a. The office of the governor or the office of an elective  
1 26 constitutional or statutory officer.  
1 27 b. The general assembly, or any office or unit under its  
1 28 administrative authority.  
1 29 c. The judicial branch, as provided in section 602.1102.  
1 30 d. A political subdivision of the state or its offices or  
1 31 units, including but not limited to a county, city, or  
1 32 community college.  
1 33 2. "Department" means the department of administrative  
1 34 services.  
1 35 3. "Director" means the director of the department of  
2 1 administrative services or the director's designee.  
2 2 4. "Governmental entity" means any unit of government in  
2 3 the executive, legislative, or judicial branch of government;  
2 4 an agency or political subdivision; any unit of another state  
2 5 government, including its political subdivisions; any unit of  
2 6 the United States government; or any association or other  
2 7 organization whose membership consists primarily of one or  
2 8 more of any of the foregoing.  
2 9 5. "Governmental subdivision" means a county, city, school  
2 10 district, or combination thereof.  
2 11 6. "Public records" means the same as defined in section  
2 12 22.1.  
2 13 Sec. 2. NEW SECTION. 8A.102 DEPARTMENT CREATED ==  
2 14 DIRECTOR APPOINTED.  
2 15 1. The department of administrative services is created.  
2 16 The director of the department shall be appointed by the  
2 17 governor to serve at the pleasure of the governor and is  
2 18 subject to confirmation by the senate. If the office becomes  
2 19 vacant, the vacancy shall be filled in the same manner as  
2 20 provided for the original appointment.  
2 21 2. The person appointed as director shall be  
2 22 professionally qualified by education and have no less than  
2 23 five years' experience in the field of management, public or  
2 24 private sector personnel administration, including the  
2 25 application of merit principles in employment, financial  
2 26 management, and policy development and implementation. The  
2 27 appointment shall be made without regard for political  
2 28 affiliation. The director shall not be a member of any local,  
2 29 state, or national committee of a political party, an officer  
2 30 or member of a committee in any partisan political club or  
2 31 organization, or hold or be a candidate for a paid elective  
2 32 public office. The director is subject to the restrictions on  
2 33 political activity provided in section 8A.416. The governor  
2 34 shall set the salary of the director within pay grade nine.  
2 35 Sec. 3. NEW SECTION. 8A.103 DEPARTMENT == PURPOSE ==  
3 1 MISSION.  
3 2 The department is created for the purpose of managing and  
3 3 coordinating the major resources of state government including  
3 4 the human, financial, physical, and information resources of  
3 5 state government.

3 6 The mission of the department is to implement a world=  
3 7 class, customer-focused organization that provides a  
3 8 complement of valued products and services to the internal  
3 9 customers of state government.

3 10 Sec. 4. NEW SECTION. 8A.104 POWERS AND DUTIES OF THE  
3 11 DIRECTOR.

3 12 The director shall do all of the following:

3 13 1. Coordinate the internal operations of the department  
3 14 and develop and implement policies and procedures designed to  
3 15 ensure the efficient administration of the department.

3 16 2. Appoint all personnel deemed necessary for the  
3 17 administration of the department's functions as provided in  
3 18 this chapter.

3 19 3. Prepare an annual budget for the department.

3 20 4. Develop and recommend legislative proposals deemed  
3 21 necessary for the continued efficiency of the department's  
3 22 functions, and review legislative proposals generated outside  
3 23 the department which are related to matters within the  
3 24 department's purview.

3 25 5. Adopt rules deemed necessary for the administration of  
3 26 this chapter in accordance with chapter 17A.

3 27 6. Develop and maintain support systems within the  
3 28 department to provide appropriate administrative support and  
3 29 sufficient data for the effective and efficient operation of  
3 30 state government.

3 31 7. Enter into contracts for the receipt and provision of  
3 32 services as deemed necessary. The director and the governor  
3 33 may obtain and accept grants and receipts to or for the state  
3 34 to be used for the administration of the department's  
3 35 functions as provided in this chapter.

4 1 8. Establish the internal organization of the department  
4 2 and allocate and reallocate duties and functions not assigned  
4 3 by law to an officer or any subunit of the department to  
4 4 promote economic and efficient administration and operation of  
4 5 the department.

4 6 9. Install a records system for the keeping of records  
4 7 which are necessary for a proper audit and effective operation  
4 8 of the department.

4 9 10. Determine which risk exposures shall be self-insured  
4 10 or assumed by the state with respect to loss and loss  
4 11 exposures of state government.

4 12 11. Keep in the director's office a complete record  
4 13 containing an itemized account of all state property,  
4 14 including furniture and equipment, under the director's care  
4 15 and control, and plans and surveys of the public grounds,  
4 16 buildings, and underground constructions at the seat of  
4 17 government and of the state laboratories facility in Ankeny.

4 18 12. Serve as the chief information officer for the state.

4 19 13. Exercise and perform such other powers and duties as  
4 20 may be prescribed by law.

4 21 Sec. 5. NEW SECTION. 8A.105 PROHIBITED INTERESTS ==  
4 22 PENALTY.

4 23 The director shall not have any pecuniary interest,  
4 24 directly or indirectly, in any contract for supplies furnished  
4 25 to the state, or in any business enterprise involving any  
4 26 expenditure by the state. A violation of the provisions of  
4 27 this section shall be a serious misdemeanor, and upon  
4 28 conviction, the director shall be removed from office in  
4 29 addition to any other penalty.

4 30 Sec. 6. NEW SECTION. 8A.106 PUBLIC RECORDS.

4 31 1. The records of the department, except personal  
4 32 information in an employee's file if the publication of such  
4 33 information would serve no proper public purpose, shall be  
4 34 public records and shall be open to public inspection, subject  
4 35 to reasonable rules as to the time and manner of inspection  
5 1 which may be prescribed by the director. However, the  
5 2 department shall not be required to release financial  
5 3 information, business, or product plans which if released  
5 4 would give advantage to competitors and serve no public  
5 5 purpose, relating to commercial operations conducted or  
5 6 intended to be conducted by the department.

5 7 2. The state agency that is the lawful custodian of a  
5 8 public record shall be responsible for determining whether a  
5 9 record is required by federal or state statute to be  
5 10 confidential. The transmission of a record by a state agency  
5 11 by use of electronic means established, maintained, or managed  
5 12 by the department shall not constitute a transfer of the legal  
5 13 custody of the record from the individual state agency to the  
5 14 department or to any other person or entity.

5 15 3. The department shall not have authority to determine  
5 16 whether an individual state agency should automate records of

5 17 which the individual state agency is the lawful custodian.  
5 18 However, the department may encourage state agencies to  
5 19 implement electronic access to public records.

5 20 4. A state agency shall not limit access to a record by  
5 21 requiring a citizen to receive the record electronically as  
5 22 the only means of providing the record. A person shall have  
5 23 the right to examine and copy a printed form of a public  
5 24 record as provided in section 22.2, unless the public record  
5 25 is confidential.

5 26 Sec. 7. NEW SECTION. 8A.107 OATHS AND SUBPOENAS.

5 27 The director may administer oaths, subpoena witnesses, and  
5 28 compel the production of books and papers pertinent to any  
5 29 investigation or hearing authorized by this chapter. A person  
5 30 who fails to appear in response to a subpoena or produce books  
5 31 or papers pertinent to the investigation or hearing or who  
5 32 knowingly gives false testimony is guilty of a simple  
5 33 misdemeanor.

5 34 Sec. 8. NEW SECTION. 8A.108 ACCEPTANCE OF FUNDS.

5 35 The department may receive and accept donations, grants,  
6 1 gifts, and contributions in the form of moneys, services,  
6 2 materials, or otherwise, from the United States or any of its  
6 3 agencies, from this state or any of its agencies, or from any  
6 4 other person, and may use or expend such moneys, services,  
6 5 materials, or other contributions, or issue grants, in  
6 6 carrying out the operations of the department. All federal  
6 7 grants to and the federal receipts of the department are  
6 8 hereby appropriated for the purpose set forth in such federal  
6 9 grants or receipts.

6 10 Sec. 9. NEW SECTION. 8A.109 FEDERAL FUNDS.

6 11 1. Neither the provisions of this chapter nor rules  
6 12 adopted pursuant to this chapter shall apply in any situation  
6 13 where such provision or rule is in conflict with a governing  
6 14 federal regulation or where the provision or rule would  
6 15 jeopardize the receipt of federal funds.

6 16 2. If it is determined by the attorney general that any  
6 17 provision of this chapter would cause denial of funds or  
6 18 services from the United States government which would  
6 19 otherwise be available to an agency of this state, such  
6 20 provision shall be suspended as to such agency, but only to  
6 21 the extent necessary to prevent denial of such funds or  
6 22 services.

6 23 Sec. 10. NEW SECTION. 8A.110 STATE EMPLOYEE SUGGESTION  
6 24 SYSTEM.

6 25 1. There is created a state employee suggestion system for  
6 26 the purpose of encouraging state employees to develop and  
6 27 submit ideas which will reduce costs and increase efficiency  
6 28 in state government and which will make monetary and other  
6 29 awards to state employees whose cost reduction ideas are  
6 30 adopted under the system.

6 31 2. The department shall provide necessary personnel for  
6 32 the efficient operation of the system. The department shall  
6 33 adopt rules as necessary for the administration of the system  
6 34 and to establish the award policy under which the system will  
6 35 operate. The rules shall include:

7 1 a. Eligibility standards and restrictions for both the  
7 2 state employee submitting the suggestion and the suggestion  
7 3 being submitted. The rules shall provide that suggestions  
7 4 relating to academic affairs, including teaching, research,  
7 5 and patient care programs at a university teaching hospital,  
7 6 are ineligible.

7 7 b. Procedures for submitting and evaluating suggestions,  
7 8 including the responsibilities of each person involved in the  
7 9 system and providing that the final decision to implement  
7 10 shall be made by the director of the applicable state agency.

7 11 c. The method of presentation of awards to employees.

7 12 d. The method of promoting the suggestion program in the  
7 13 broadest possible manner to state employees.

7 14 e. Any other policies necessary to properly administer the  
7 15 system.

7 16 3. a. When a suggestion is implemented and results in a  
7 17 direct cost reduction within state government, the suggester  
7 18 shall be awarded ten percent of the first year's net savings,  
7 19 not exceeding ten thousand dollars, and a certificate. A cash  
7 20 award shall not be awarded for a suggestion which saves less  
7 21 than one hundred dollars during the first year of  
7 22 implementation. The state agency head shall approve all  
7 23 awards and determine the amount to be awarded. Appeals of  
7 24 award amounts shall be submitted to the director whose  
7 25 decision is final.

7 26 b. Certificates shall be awarded to suggesters of  
7 27 implemented suggestions that result in a direct cost reduction

7 28 of less than one hundred dollars. The state agency head shall  
7 29 make the determination as to who will receive certificates.  
7 30 That decision is final.

7 31 4. An award made pursuant to this section shall be paid  
7 32 for out of the appropriated funds of the state agency  
7 33 realizing the cost savings, but the payment for awards shall  
7 34 not violate any state or federal contract, law, or regulation,  
7 35 or impair any agency contractual obligation.

8 1 5. a. A state agency shall keep records of each  
8 2 suggestion implemented and the cost savings resulting from the  
8 3 suggestion for a period of one year from the date of  
8 4 implementation of the suggestion.

8 5 b. The director shall file a report with the governor and  
8 6 the general assembly for each fiscal year, relating to the  
8 7 administration and implementation of the suggestion system and  
8 8 the benefits for the state, the state departments, and state  
8 9 employees.

8 10 6. The ability of employees to patent ideas submitted  
8 11 under this section is subject to all other agency rules and  
8 12 Code requirements pertaining to patents.

8 13 Sec. 11. NEW SECTION. 8A.121 FINANCING DEPARTMENT  
8 14 SERVICES == CUSTOMER COUNCILS.

8 15 1. The department shall establish a process by which the  
8 16 department shall determine which services provided by the  
8 17 department shall be funded by an appropriation to the  
8 18 department and which services shall be funded by the  
8 19 governmental entity receiving the service.

8 20 2. a. For services which the department determines shall  
8 21 be funded by the governmental entity receiving the service,  
8 22 the department shall establish a process for determining  
8 23 whether the department shall be the sole provider of the  
8 24 service or not.

8 25 b. If the department determines that it shall be the sole  
8 26 provider of a service, the department shall establish, by  
8 27 rule, a customer council responsible for overseeing  
8 28 departmental operations with regard to the service provided to  
8 29 ensure that the department meets the needs of affected  
8 30 governmental entities and the citizens those entities serve.  
8 31 The rules adopted shall provide, at a minimum, for the method  
8 32 of appointment of members to the council by governmental  
8 33 entities required to receive the service from the department  
8 34 and for the powers and duties of the council as it relates to  
8 35 the service provided, which shall include the authority of  
9 1 approving, on an annual basis, business plans submitted by the  
9 2 department for performance of the service, the procedure for  
9 3 resolving complaints concerning the service provided, and the  
9 4 procedure for setting rates for the service. In addition, if  
9 5 the service to be provided may also be provided to the  
9 6 judicial branch and legislative branch, then the rules shall  
9 7 provide that the chief justice of the supreme court and the  
9 8 legislative council may, in their discretion, each appoint a  
9 9 member to the applicable customer council.

9 10 3. Departmental processes required to be established  
9 11 pursuant to this section shall provide, at a minimum, for  
9 12 input from affected governmental entities as well as for a  
9 13 biennial review by the appropriate customer council of the  
9 14 decision made by the department that the department should be  
9 15 the sole provider of a service.

9 16 4. The department shall annually prepare a listing  
9 17 separately identifying services to be provided by the  
9 18 department and funded by an appropriation, services to be  
9 19 provided by the department and funded by the governmental  
9 20 entity receiving the service, and services which the  
9 21 department is authorized to provide but which governmental  
9 22 entities may provide on their own or obtain from another  
9 23 provider of the service.

9 24 Sec. 12. NEW SECTION. 8A.122 SERVICES TO GOVERNMENTAL  
9 25 ENTITIES.

9 26 1. The director shall enter into agreements with state  
9 27 agencies, and may enter into agreements with any other  
9 28 governmental entity, to furnish services and facilities of the  
9 29 department to the applicable governmental entity. The  
9 30 agreement shall provide for the reimbursement to the  
9 31 department of the reasonable cost of the services and  
9 32 facilities furnished. All governmental entities of this state  
9 33 may enter into such agreements.

9 34 2. This chapter does not affect any city civil service  
9 35 programs established under chapter 400.

10 1 3. The state board of regents shall not be required to  
10 2 obtain any service for the state board of regents or any  
10 3 institution under the control of the state board of regents

10 4 that is provided by the department pursuant to this chapter  
10 5 without the consent of the state board of regents.

10 6 Sec. 13. NEW SECTION. 8A.123 DEPARTMENT INTERNAL SERVICE  
10 7 FUNDS.

10 8 1. Activities of the department shall be accounted for  
10 9 within the general fund of the state, except that the director  
10 10 may establish and maintain internal service funds in  
10 11 accordance with generally accepted accounting principles, as  
10 12 defined in section 8.57, subsection 4, for activities of the  
10 13 department which are primarily funded from billings to  
10 14 governmental entities for services rendered by the department.  
10 15 The establishment of an internal service fund is subject to  
10 16 the approval of the director of the department of management  
10 17 and the concurrence of the auditor of state. At least ninety  
10 18 days prior to the establishment of an internal service fund  
10 19 pursuant to this section, the director shall notify in writing  
10 20 the general assembly, including the legislative council,  
10 21 legislative fiscal committee, and the legislative fiscal  
10 22 bureau.

10 23 2. Internal service funds shall be administered by the  
10 24 department and shall consist of moneys collected by the  
10 25 department from billings issued in accordance with section  
10 26 8A.125 and any other moneys obtained or accepted by the  
10 27 department, including but not limited to gifts, loans,  
10 28 donations, grants, and contributions, which are designated to  
10 29 support the activities of the individual internal service  
10 30 funds. The director may obtain loans from the innovation fund  
10 31 created in section 8.63 for deposit in an internal service  
10 32 fund established pursuant to this section to provide seed and  
10 33 investment capital to enhance the delivery of services  
10 34 provided by the department.

10 35 3. The proceeds of an internal service fund established  
11 1 pursuant to this section shall be used by the department for  
11 2 the operations of the department consistent with this chapter.  
11 3 The director may appoint the personnel necessary to ensure the  
11 4 efficient provision of services funded pursuant to an internal  
11 5 service fund established under this section. However, this  
11 6 usage requirement shall not limit or restrict the department  
11 7 from using proceeds from gifts, loans, donations, grants, and  
11 8 contributions in conformance with any conditions, directions,  
11 9 limitations, or instructions attached or related thereto.

11 10 4. Section 8.33 does not apply to any moneys in internal  
11 11 service funds established pursuant to this section.  
11 12 Notwithstanding section 12C.7, subsection 2, interest or  
11 13 earnings on moneys deposited in these funds shall be credited  
11 14 to these funds.

11 15 5. a. The director shall annually provide internal  
11 16 service fund service business plans and financial reports to  
11 17 the department of management and the general assembly. The  
11 18 business plans may include the recommendation that a portion  
11 19 of unexpended net income be periodically returned to the  
11 20 appropriate funding source.

11 21 b. The department shall submit an annual report not later  
11 22 than October 1 to the members of the general assembly and the  
11 23 legislative fiscal bureau of the activities funded by and  
11 24 expenditures made from an internal service fund established  
11 25 pursuant to this section during the preceding fiscal year.

11 26 Sec. 14. NEW SECTION. 8A.124 ADDITIONAL PERSONNEL.

11 27 The department may employ, upon the approval of the  
11 28 department of management, such additional personnel in excess  
11 29 of the number of full-time equivalent positions authorized by  
11 30 the general assembly if such additional personnel are  
11 31 reasonable and necessary to perform such duties as required to  
11 32 meet the needs of the department to provide services to other  
11 33 governmental entities and as authorized by this chapter. The  
11 34 director shall notify in writing the department of management,  
11 35 the legislative fiscal committee, and the legislative fiscal  
12 1 bureau of any additional personnel employed pursuant to this  
12 2 section.

12 3 Sec. 15. NEW SECTION. 8A.125 BILLING == CREDIT CARD  
12 4 PAYMENTS.

12 5 1. The director may bill a governmental entity for  
12 6 services rendered by the department in accordance with the  
12 7 duties of the department as provided in this chapter. Bills  
12 8 may include direct, indirect, and developmental costs which  
12 9 have not been funded by an appropriation to the department.  
12 10 The department shall periodically render a billing statement  
12 11 to a governmental entity outlining the cost of services  
12 12 provided to the governmental entity. The amount indicated on  
12 13 the statement shall be paid by the governmental entity and  
12 14 amounts received by the department shall be considered

12 15 repayment receipts as defined in section 8.2, and deposited  
12 16 into the accounts of the department.

12 17 2. In addition to other forms of payment, a person may pay  
12 18 by credit card for services provided by the department,  
12 19 according to rules adopted by the treasurer of state. The  
12 20 credit card fees to be charged shall not exceed those  
12 21 permitted by statute. A governmental entity may adjust its  
12 22 payment to reflect the costs of processing as determined by  
12 23 the treasurer of state. The discount charged by the credit  
12 24 card issuer may be included in determining the fees to be paid  
12 25 for completing a financial transaction under this section by  
12 26 using a credit card. All credit card payments shall be  
12 27 credited to the fund used to account for the services  
12 28 provided.

12 29 Sec. 16. NEW SECTION. 8A.126 DEPARTMENT DEBTS AND  
12 30 LIABILITIES == APPROPRIATION REQUEST.

12 31 If a service provided by the department and funded from an  
12 32 internal service fund established under section 8A.123 ceases  
12 33 to be provided and insufficient funds remain in the internal  
12 34 service fund to pay any outstanding debts and liabilities  
12 35 relating to that service, the director shall notify the  
13 1 general assembly and request that moneys be appropriated from  
13 2 the general fund of the state to pay such debts and  
13 3 liabilities.

13 4 ARTICLE 2  
13 5 INFORMATION TECHNOLOGY  
13 6 GENERAL PROVISIONS

13 7 Sec. 17. NEW SECTION. 8A.201 DEFINITIONS.

13 8 As used in this article, unless the context otherwise  
13 9 requires:

13 10 1. "Information technology" means computing and  
13 11 electronics applications used to process and distribute  
13 12 information in digital and other forms and includes  
13 13 information technology devices, information technology  
13 14 services, and value-added services.

13 15 2. "Information technology council" means the information  
13 16 technology council established in section 8A.204.

13 17 3. "Information technology device" means equipment or  
13 18 associated software, including programs, languages,  
13 19 procedures, or associated documentation, used in operating the  
13 20 equipment which is designed for utilizing information stored  
13 21 in an electronic format. "Information technology device"  
13 22 includes but is not limited to computer systems, computer  
13 23 networks, and equipment used for input, output, processing,  
13 24 storage, display, scanning, and printing.

13 25 4. "Information technology services" means services  
13 26 designed to do any of the following:

13 27 a. Provide functions, maintenance, and support of  
13 28 information technology devices.

13 29 b. Provide services including, but not limited to, any of  
13 30 the following:

13 31 (1) Computer systems application development and  
13 32 maintenance.

13 33 (2) Systems integration and interoperability.

13 34 (3) Operating systems maintenance and design.

13 35 (4) Computer systems programming.

14 1 (5) Computer systems software support.

14 2 (6) Planning and security relating to information  
14 3 technology devices.

14 4 (7) Data management consultation.

14 5 (8) Information technology education and consulting.

14 6 (9) Information technology planning and standards.

14 7 (10) Establishment of local area network and workstation  
14 8 management standards.

14 9 5. "Participating agency" means any agency other than any  
14 10 of the following:

14 11 a. The state board of regents and institutions operated  
14 12 under the authority of the state board of regents.

14 13 b. The public broadcasting division of the department of  
14 14 education.

14 15 c. The state department of transportation mobile radio  
14 16 network.

14 17 d. The department of public safety law enforcement  
14 18 communications systems and capitol complex security systems in  
14 19 use for the legislative branch.

14 20 e. The telecommunications and technology commission  
14 21 established in section 8D.3, with respect to information

14 22 technology that is unique to the Iowa communications network.

14 23 f. The Iowa lottery.

14 24 g. A judicial district department of correctional services  
14 25 established pursuant to section 905.2.

14 26 6. "Value-added services" means services that offer or  
14 27 provide unique, special, or enhanced value, benefits, or  
14 28 features to the customer or user, including, but not limited  
14 29 to, services in which information technology is specially  
14 30 designed, modified, or adapted to meet the special or  
14 31 requested needs of the user or customer, services involving  
14 32 the delivery, provision, or transmission of information or  
14 33 data that require or involve additional processing,  
14 34 formatting, enhancement, compilation or security, services  
14 35 that provide the customer or user with enhanced accessibility,  
15 1 security or convenience, research and development services,  
15 2 and services that are provided to support technological or  
15 3 statutory requirements imposed on participating agencies and  
15 4 other governmental entities, businesses, and the public.

15 5 Sec. 18. NEW SECTION. 8A.202 INFORMATION TECHNOLOGY

15 6 SERVICES == MISSION == POWERS AND DUTIES == RESPONSIBILITIES.

15 7 1. MISSION. The mission of the department as it relates  
15 8 to information technology services is to provide high-quality,  
15 9 customer-focused information technology services and business  
15 10 solutions to government and to citizens.

15 11 2. POWERS AND DUTIES OF DEPARTMENT. The powers and duties  
15 12 of the department as it relates to information technology  
15 13 services shall include, but are not limited to, all of the  
15 14 following:

15 15 a. Providing information technology to agencies and other  
15 16 governmental entities.

15 17 b. Implementing the strategic information technology plan.

15 18 c. Developing and implementing a business continuity plan,  
15 19 as the director determines is appropriate, to be used if a  
15 20 disruption occurs in the provision of information technology  
15 21 to participating agencies and other governmental entities.

15 22 d. Prescribing standards and adopting rules relating to  
15 23 information technology and procurement, including but not  
15 24 limited to system design and systems integration and  
15 25 interoperability, which shall apply to all participating  
15 26 agencies except as otherwise provided in this chapter. The  
15 27 department shall implement information technology standards as  
15 28 established pursuant to this chapter which are applicable to  
15 29 information technology procurements for participating  
15 30 agencies.

15 31 e. Prescribing standards and adopting rules relating to  
15 32 standards for an electronic repository for maintaining  
15 33 mandated agency reports as provided in section 304.13A. Such  
15 34 repository shall be developed and maintained for the purpose  
15 35 of providing public access to such mandated reports. The  
16 1 department shall prescribe such standards and adopt rules  
16 2 relating to such standards in consultation with the state  
16 3 librarian.

16 4 f. Developing and maintaining security policies and  
16 5 systems to ensure the integrity of the state's information  
16 6 resources and to prevent the disclosure of confidential  
16 7 records.

16 8 g. Developing and implementing effective and efficient  
16 9 strategies for the use and provision of information technology  
16 10 for participating agencies and other governmental entities.

16 11 h. Coordinating the acquisition of information technology  
16 12 by participating agencies in furtherance of the purposes of  
16 13 this chapter. The department shall institute procedures to  
16 14 ensure effective and efficient compliance with the applicable  
16 15 standards established pursuant to this article. This article  
16 16 shall not be construed to prohibit or limit a participating  
16 17 agency from entering into an agreement or contract for  
16 18 information technology with a qualified private entity.

16 19 i. Entering into contracts, leases, licensing agreements,  
16 20 royalty agreements, marketing agreements, memorandums of  
16 21 understanding, or other agreements as necessary and  
16 22 appropriate to administer this article.

16 23 j. Requesting that a participating agency provide such  
16 24 information as is necessary to establish and maintain an  
16 25 inventory of information technology used by participating  
16 26 agencies, and such participating agency shall provide such  
16 27 information to the department in a timely manner. The form  
16 28 and content of the information to be provided shall be  
16 29 determined by the department.

16 30 k. Charging reasonable fees, costs, expenses, charges, or  
16 31 other amounts to an agency, governmental entity, public  
16 32 official, or person or entity related to the provision, sale,  
16 33 use, or utilization of, or cost sharing with respect to,  
16 34 information technology and any intellectual property interests  
16 35 related thereto, research and development, proprietary  
17 1 hardware, software, and applications, and information

17 2 technology architecture and design. The department may enter  
17 3 into nondisclosure agreements and take any other legal action  
17 4 reasonably necessary to secure a right to an interest in  
17 5 information technology development by or on behalf of the  
17 6 state of Iowa and to protect the state of Iowa's proprietary  
17 7 information technology and intellectual property interests.  
17 8 The provisions of chapter 23A relating to noncompetition by  
17 9 state agencies and political subdivisions with private  
17 10 enterprise shall not apply to department activities authorized  
17 11 under this paragraph.

17 12 1. Charging reasonable fees, costs, expenses, charges, or  
17 13 other amounts to an agency, governmental entity, public  
17 14 official, or other person or entity to or for whom information  
17 15 technology or other services have been provided by or on  
17 16 behalf of, or otherwise made available through, the  
17 17 department.

17 18 m. Providing, selling, leasing, licensing, transferring,  
17 19 or otherwise conveying or disposing of information technology,  
17 20 or any intellectual property or other rights with respect  
17 21 thereto, to agencies, governmental entities, public officials,  
17 22 or other persons or entities.

17 23 n. Entering into partnerships, contracts, leases, or other  
17 24 agreements with public and private entities for the evaluation  
17 25 and development of information technology pilot projects.

17 26 o. Initiating and supporting the development of electronic  
17 27 commerce, electronic government, and internet applications  
17 28 across participating agencies and in cooperation with other  
17 29 governmental entities. The department shall foster joint  
17 30 development of electronic commerce and electronic government  
17 31 involving the public and private sectors, develop customer  
17 32 surveys and citizen outreach and education programs and  
17 33 material, and provide for citizen input regarding the state's  
17 34 electronic commerce and electronic government applications.

17 35 3. RESPONSIBILITIES. The responsibilities of the  
18 1 department as it relates to information technology services  
18 2 include the following:

18 3 a. Coordinate the activities of the department in  
18 4 promoting, integrating, and supporting information technology  
18 5 in all business aspects of state government.

18 6 b. Provide for server systems, including mainframe and  
18 7 other server operations, desktop support, and applications  
18 8 integration.

18 9 c. Provide applications development, support, and  
18 10 training, and advice and assistance in developing and  
18 11 supporting business applications throughout state government.

18 12 4. INFORMATION TECHNOLOGY CHARGES. The department shall  
18 13 render a statement to an agency, governmental entity, public  
18 14 official, or other person or entity to or for whom information  
18 15 technology, value-added services, or other items or services  
18 16 have been provided by or on behalf of, or otherwise made  
18 17 available through, the department. Such an agency,  
18 18 governmental entity, public official, or other person or  
18 19 entity shall pay an amount indicated on such statement in a  
18 20 manner determined by the department.

18 21 5. DISPUTE RESOLUTION. If a dispute arises between the  
18 22 department and an agency for which the department provides or  
18 23 refuses to provide information technology, the dispute shall  
18 24 be resolved as provided in section 679A.19.

18 25 Sec. 19. NEW SECTION. 8A.203 DIRECTOR == INFORMATION  
18 26 TECHNOLOGY SERVICES POWERS AND DUTIES.

18 27 The director shall do all of the following as it relates to  
18 28 information technology services:

18 29 1. Prescribe and adopt information technology standards  
18 30 and rules.

18 31 2. Develop and recommend legislative proposals deemed  
18 32 necessary for the continued efficiency of the department in  
18 33 performing information technology functions, and review  
18 34 legislative proposals generated outside of the department  
18 35 which are related to matters within the department's purview.

19 1 3. Provide advice to the governor on issues related to  
19 2 information technology.

19 3 4. Consult with agencies and other governmental entities  
19 4 on issues relating to information technology.

19 5 5. Work with all governmental entities in an effort to  
19 6 achieve the information technology goals established by the  
19 7 department.

19 8 Sec. 20. NEW SECTION. 8A.204 INFORMATION TECHNOLOGY  
19 9 COUNCIL == MEMBERS == POWERS AND DUTIES.

19 10 1. MEMBERSHIP.

19 11 a. The information technology council is composed of  
19 12 fourteen members including the following:



19 13 (1) The chairperson of the IowaAccess advisory council  
19 14 established in section 8A.221, or the chairperson's designee.  
19 15 (2) Two executive branch department heads appointed by the  
19 16 governor.  
19 17 (3) Six persons appointed by the governor who are  
19 18 knowledgeable in information technology matters.  
19 19 (4) One person representing the judicial branch appointed  
19 20 by the chief justice of the supreme court who shall serve in  
19 21 an ex officio, nonvoting capacity.  
19 22 (5) Four members of the general assembly with not more  
19 23 than one member from each house being from the same political  
19 24 party. The two senators shall be designated by the president  
19 25 of the senate after consultation with the majority and  
19 26 minority leaders of the senate. The two representatives shall  
19 27 be designated by the speaker of the house of representatives  
19 28 after consultation with the majority and minority leaders of  
19 29 the house of representatives. Legislative members shall serve  
19 30 in an ex officio, nonvoting capacity. A legislative member is  
19 31 eligible for per diem and expenses as provided in section  
19 32 2.10.  
19 33 b. The members appointed pursuant to paragraph "a" shall  
19 34 serve four-year staggered terms and such appointments to the  
19 35 information technology council are subject to the requirements  
20 1 of sections 69.16, 69.16A, and 69.19. The four-year terms of  
20 2 members appointed by the governor shall be staggered as  
20 3 designated by the governor. Members appointed by the governor  
20 4 are subject to senate confirmation and may also be eligible to  
20 5 receive compensation as provided in section 7E.6. Members  
20 6 shall be reimbursed for actual and necessary expenses incurred  
20 7 in performance of the members' duties.  
20 8 c. The information technology council shall annually elect  
20 9 its own chairperson from among the voting members of the  
20 10 council. A majority of the voting members of the council  
20 11 constitutes a quorum.  
20 12 2. DUTIES. The information technology council shall do  
20 13 all of the following:  
20 14 a. Advise the department in the development of recommended  
20 15 standards for consideration with respect to the procurement of  
20 16 information technology by all participating agencies.  
20 17 b. Appoint advisory committees as appropriate to assist  
20 18 the department in developing strategies for the use and  
20 19 provision of information technology and establishing other  
20 20 advisory committees as necessary to assist the information  
20 21 technology council in carrying out its duties under this  
20 22 article. The number of advisory committees and their  
20 23 membership shall be determined by the information technology  
20 24 council to assure that the public and agencies and other  
20 25 governmental entities have an opportunity to comment on the  
20 26 services provided and the service goals and objectives of the  
20 27 department.  
20 28 c. Advise the department in the preparation and annual  
20 29 update of the strategic information technology plan for the  
20 30 use of information technology throughout state government.  
20 31 The plan shall promote participation in cooperative projects  
20 32 with other governmental entities. The plan shall establish a  
20 33 mission, goals, and objectives for the use of information  
20 34 technology, including goals for electronic access to public  
20 35 records, information, and services. The plan shall be  
21 1 submitted annually to the governor and the general assembly.  
21 2 d. Review, as deemed appropriate by the information  
21 3 technology council, legislative proposals recommended by the  
21 4 director, or other legislative proposals as developed and  
21 5 deemed necessary by the information technology council.  
21 6 e. Review the recommendations of the IowaAccess advisory  
21 7 council regarding rates to be charged for access to and for  
21 8 value-added services performed through IowaAccess. The  
21 9 information technology council shall report the establishment  
21 10 of a new rate or change in the level of an existing rate to  
21 11 the department who will then notify the department of  
21 12 management, and the department of management shall notify the  
21 13 legislative fiscal bureau regarding the rate establishment or  
21 14 change.  
21 15 Sec. 21. NEW SECTION. 8A.205 DIGITAL GOVERNMENT.  
21 16 1. The department is responsible for initiating and  
21 17 supporting the development of electronic commerce, electronic  
21 18 government, and internet applications across participating  
21 19 agencies and in cooperation with other governmental entities.  
21 20 2. In developing the concept of digital government, the  
21 21 department shall do all of the following:  
21 22 a. Establish standards, consistent with other state law,  
21 23 for the implementation of electronic commerce, including

21 24 standards for digital signatures, electronic currency, and  
21 25 other items associated with electronic commerce.  
21 26 b. Establish guidelines for the appearance and functioning  
21 27 of applications.  
21 28 c. Establish standards for the integration of electronic  
21 29 data across state agencies.  
21 30 d. Foster joint development of electronic commerce and  
21 31 electronic government involving the public and private  
21 32 sectors.

21 33 e. Develop customer surveys and citizen outreach and  
21 34 education programs and material, and provide for citizen input  
21 35 regarding the state's electronic commerce and electronic  
22 1 government applications.

22 2 f. Provide staff support for the IowaAccess advisory  
22 3 council.

22 4 Sec. 22. NEW SECTION. 8A.206 INFORMATION TECHNOLOGY  
22 5 STANDARDS.

22 6 1. The department shall develop, in consultation with the  
22 7 information technology council, recommended standards for  
22 8 consideration with respect to the procurement of information  
22 9 technology by all participating agencies. It is the intent of  
22 10 the general assembly that information technology standards be  
22 11 established for the purpose of guiding such procurements.  
22 12 Such standards, unless waived by the department, shall apply  
22 13 to all information technology procurements for participating  
22 14 agencies.

22 15 2. The office of the governor or the office of an elective  
22 16 constitutional or statutory officer shall consult with the  
22 17 department prior to procuring information technology and  
22 18 consider the standards recommended by the department, and  
22 19 provide a written report to the department relating to the  
22 20 office's decision regarding such acquisitions.

22 21 Sec. 23. NEW SECTION. 8A.207 PROCUREMENT OF INFORMATION  
22 22 TECHNOLOGY.

22 23 1. Standards established by the department, unless waived  
22 24 by the department, shall apply to all information technology  
22 25 procurements for participating agencies.

22 26 2. The department shall institute procedures to ensure  
22 27 effective and efficient compliance with standards established  
22 28 by the department.

22 29 3. The department, by rule, may implement a  
22 30 prequalification procedure for contractors with which the  
22 31 department has entered or intends to enter into agreements  
22 32 regarding the procurement of information technology.

22 33 4. Notwithstanding the provisions governing purchasing as  
22 34 provided in article 3, the department may procure information  
22 35 technology as provided in this section. The department may  
23 1 cooperate with other governmental entities in the procurement  
23 2 of information technology in an effort to make such  
23 3 procurements in a cost-effective, efficient manner as provided  
23 4 in this section. The department, as deemed appropriate and  
23 5 cost-effective, may procure information technology using any  
23 6 of the following methods:

23 7 a. Cooperative procurement agreement. The department may  
23 8 enter into a cooperative procurement agreement with another  
23 9 governmental entity relating to the procurement of information  
23 10 technology, whether such information technology is for the use  
23 11 of the department or other governmental entities. The  
23 12 cooperative procurement agreement shall clearly specify the  
23 13 purpose of the agreement and the method by which such purpose  
23 14 will be accomplished. Any power exercised under such  
23 15 agreement shall not exceed the power granted to any party to  
23 16 the agreement.

23 17 b. Negotiated contract. The department may enter into an  
23 18 agreement for the purchase of information technology if any of  
23 19 the following applies:

23 20 (1) The contract price, terms, and conditions are pursuant  
23 21 to the current federal supply contract, and the purchase order  
23 22 adequately identifies the federal supply contract under which  
23 23 the procurement is to be made.

23 24 (2) The contract price, terms, and conditions are no less  
23 25 favorable than the contractor's current federal supply  
23 26 contract price, terms, and conditions; the contractor has  
23 27 indicated in writing a willingness to extend such price,  
23 28 terms, and conditions to the department; and the purchase  
23 29 order adequately identifies the contract relied upon.

23 30 (3) The contract is with a vendor which has a current  
23 31 exclusive or nonexclusive price agreement with the state for  
23 32 the information technology to be procured, and such  
23 33 information technology meets the same standards and  
23 34 specifications as the items to be procured and both of the

23 35 following apply:

24 1 (a) The quantity purchased does not exceed the quantity  
24 2 which may be purchased under the applicable price agreement.

24 3 (b) The purchase order adequately identifies the price  
24 4 agreement relied upon.

24 5 c. Contracts let by another governmental entity. The  
24 6 department, on its own behalf or on the behalf of another  
24 7 participating agency or governmental entity, may procure  
24 8 information technology under a contract let by another agency  
24 9 or other governmental entity, or approve such procurement in  
24 10 the same manner by a participating agency or governmental  
24 11 entity.

24 12 d. Reverse auction.

24 13 (1) The department may enter into an agreement for the  
24 14 purchase of information technology utilizing a reverse auction  
24 15 process. Such process shall result in the purchase of  
24 16 information technology from the vendor submitting the lowest  
24 17 responsible bid amount for the information technology to be  
24 18 acquired. The department, in establishing a reverse auction  
24 19 process, shall do all of the following:

24 20 (a) Determine the specifications and requirements of the  
24 21 information technology to be acquired.

24 22 (b) Identify and provide notice to potential vendors  
24 23 concerning the proposed acquisition.

24 24 (c) Establish prequalification requirements to be met by a  
24 25 vendor to be eligible to participate in the reverse auction.

24 26 (d) Conduct the reverse auction in a manner as deemed  
24 27 appropriate by the department, and consistent with rules  
24 28 adopted by the department.

24 29 (2) Prior to conducting a reverse auction, the department  
24 30 shall establish a threshold amount which shall be the maximum  
24 31 amount which the department is willing to pay for the  
24 32 information technology to be acquired.

24 33 (3) The department shall enter into an agreement with a  
24 34 vendor who is the lowest responsible bidder which meets the  
24 35 specifications or description of the information technology to  
25 1 be procured, or the department may reject all bids and begin  
25 2 the process again. In determining the lowest responsible  
25 3 bidder, the department may consider various factors,  
25 4 including, but not limited to, the past performance of the  
25 5 vendor relative to quality of product or service, the past  
25 6 experience of the department in relation to the product or  
25 7 service, the relative quality of products or services, the  
25 8 proposed terms of delivery, and the best interest of the  
25 9 state.

25 10 e. Competitive bidding. The department may enter into an  
25 11 agreement for the procurement or acquisition of information  
25 12 technology in the same manner as provided under article III  
25 13 for the purchasing of service.

25 14 f. Other agreements. In addition to the competitive  
25 15 bidding procedure provided for under paragraph "e", the  
25 16 department may enter into an agreement for the purchase,  
25 17 disposal, or other disposition of information technology in  
25 18 the same manner and subject to the same limitations as  
25 19 otherwise provided in this chapter. The department, by rule,  
25 20 shall provide for such procedures.

25 21 5. The department shall adopt rules pursuant to chapter  
25 22 17A to implement the procurement methods and procedures  
25 23 provided for in subsections 2 through 4.

25 24 IOWACCESS

25 25 Sec. 24. NEW SECTION. 8A.221 IOWACCESS ADVISORY COUNCIL  
25 26 ESTABLISHED == DUTIES == MEMBERSHIP.

25 27 1. ADVISORY COUNCIL ESTABLISHED. An IowAccess advisory  
25 28 council is established within the department for the purpose  
25 29 of creating and providing a service to the citizens of this  
25 30 state that is the gateway for one-stop electronic access to  
25 31 government information and transactions, whether federal,  
25 32 state, or local. Except as provided in this section,  
25 33 IowAccess shall be a state-funded service providing access to  
25 34 government information and transactions. The department, in  
25 35 establishing the fees for value-added services, shall consider  
26 1 the reasonable cost of creating and organizing such government  
26 2 information through IowAccess.

26 3 2. DUTIES.

26 4 a. The advisory council shall do all of the following:

26 5 (1) Recommend to the information technology council rates  
26 6 to be charged for access to and for value-added services  
26 7 performed through IowAccess.

26 8 (2) Recommend to the director the priority of projects  
26 9 associated with IowAccess.

26 10 (3) Recommend to the director expected outcomes and

26 11 effects of the use of IowaAccess and determine the manner in  
26 12 which such outcomes are to be measured and evaluated.  
26 13 (4) Review and recommend to the director the IowaAccess  
26 14 total budget request and ensure that such request reflects the  
26 15 priorities and goals of IowaAccess as established by the  
26 16 advisory council.

26 17 (5) Review and recommend to the director all rules to be  
26 18 adopted by the department that are related to IowaAccess.

26 19 (6) Advocate for access to government information and  
26 20 services through IowaAccess and for data privacy protection,  
26 21 information ethics, accuracy, and security in IowaAccess  
26 22 programs and services.

26 23 (7) Receive status and operations reports associated with  
26 24 IowaAccess.

26 25 (8) Other duties as assigned by the director.

26 26 b. The advisory council shall also advise the director  
26 27 with respect to the operation of IowaAccess and encourage and  
26 28 implement access to government and its public records by the  
26 29 citizens of this state.

26 30 c. The advisory council shall serve as a link between the  
26 31 users of public records, the lawful custodians of such public  
26 32 records, and the citizens of this state who are the owners of  
26 33 such public records.

26 34 d. The advisory council shall ensure that IowaAccess gives  
26 35 priority to serving the needs of the citizens of this state.

27 1 3. MEMBERSHIP.

27 2 a. The advisory council shall be composed of nineteen  
27 3 members including the following:

27 4 (1) Five persons appointed by the governor representing  
27 5 the primary customers of IowaAccess.

27 6 (2) Six persons representing lawful custodians as follows:

27 7 (a) One person representing the legislative branch, who  
27 8 shall not be a member of the general assembly, to be appointed  
27 9 jointly by the president of the senate, after consultation  
27 10 with the majority and minority leaders of the senate, and by  
27 11 the speaker of the house of representatives, after  
27 12 consultation with the majority and minority leaders of the  
27 13 house of representatives.

27 14 (b) One person representing the judicial branch as  
27 15 designated by the chief justice of the supreme court.

27 16 (c) One person representing the executive branch as  
27 17 designated by the governor.

27 18 (d) One person to be appointed by the governor  
27 19 representing cities who shall be actively engaged in the  
27 20 administration of a city.

27 21 (e) One person to be appointed by the governor  
27 22 representing counties who shall be actively engaged in the  
27 23 administration of a county.

27 24 (f) One person to be appointed by the governor  
27 25 representing the federal government.

27 26 (3) Four members to be appointed by the governor  
27 27 representing a cross section of the citizens of the state.

27 28 (4) Four members of the general assembly, two from the  
27 29 senate and two from the house of representatives, with not  
27 30 more than one member from each chamber being from the same  
27 31 political party. The two senators shall be designated by the  
27 32 president of the senate after consultation with the majority  
27 33 and minority leaders of the senate. The two representatives  
27 34 shall be designated by the speaker of the house of  
27 35 representatives after consultation with the majority and  
28 1 minority leaders of the house of representatives. Legislative  
28 2 members shall serve in an ex officio, nonvoting capacity. A  
28 3 legislative member is eligible for per diem and expenses as  
28 4 provided in section 2.10.

28 5 b. Members appointed by the governor are subject to  
28 6 confirmation by the senate and shall serve four-year staggered  
28 7 terms as designated by the governor. The advisory council  
28 8 shall annually elect its own chairperson from among the voting  
28 9 members of the board. Members appointed by the governor are  
28 10 subject to the requirements of sections 69.16, 69.16A, and  
28 11 69.19. Members appointed by the governor shall be reimbursed  
28 12 for actual and necessary expenses incurred in performance of  
28 13 their duties. Such members may also be eligible to receive  
28 14 compensation as provided in section 7E.6.

28 15 4. This section shall not be construed to impair the right  
28 16 of a person to contract to purchase information or data from  
28 17 the Iowa court information system or any other governmental  
28 18 entity. This section shall not be construed to affect a data  
28 19 purchase agreement or contract in existence on April 25, 2000.

28 20 Sec. 25. NEW SECTION. 8A.222 FINANCIAL TRANSACTIONS.

28 21 1. Moneys paid to a participating agency from persons who

complete an electronic financial transaction with the agency by accessing IowAccess shall be transferred to the treasurer of state for deposit in the general fund of the state, unless the disposition of the moneys is specifically provided for under other law. The moneys may include all of the following:

- a. Fees required to obtain an electronic public record as provided in section 22.3A.
- b. Fees required to process an application or file a document, including but not limited to fees required to obtain a license issued by a licensing authority.
- c. Moneys owed to a governmental entity by a person accessing IowAccess in order to satisfy a liability arising from the operation of law, including the payment of assessments, taxes, fines, and civil penalties.

2. Moneys transferred using IowAccess may include amounts owed by a governmental entity to a person accessing IowAccess in order to satisfy a liability of the governmental entity. The moneys may include the payment of tax refunds, and the disbursement of support payments as defined in section 252D.16 or 598.1 as required for orders issued pursuant to section 252B.14.

3. In addition to other forms of payment, credit cards shall be accepted in payment for moneys owed to or fees imposed by a governmental entity in the same manner as provided in section 8A.125.

4. Notwithstanding any other provision of this section, the department may establish for the fiscal years beginning July 1, 2003, and ending June 30, 2005, a pilot project for fee collection. Fees shall be collected based on the ability to access court information from remote locations.

Sec. 26. NEW SECTION. 8A.223 AUDITS REQUIRED.  
A technology audit of the electronic transmission system by which government records are transmitted electronically to the public shall be conducted not less than once annually for the purpose of determining that government records and other electronic data are not misappropriated or misused by the department or a contractor of the department.

Sec. 27. NEW SECTION. 8A.224 IOWACCESS REVOLVING FUND.  
An IowAccess revolving fund is created in the state treasury. The revolving fund shall be administered by the department and shall consist of moneys collected by the department as fees, moneys appropriated by the general assembly, and any other moneys obtained or accepted by the department for deposit in the revolving fund. The proceeds of the revolving fund are appropriated to and shall be used by the department to maintain, develop, operate, and expand IowAccess consistent with this article. The department shall submit an annual report not later than January 31 to the members of the general assembly and the legislative fiscal bureau, of the activities funded by and expenditures made from the revolving fund during the preceding fiscal year. Section 8.33 does not apply to any moneys in the revolving fund and, notwithstanding section 12C.7, subsection 2, earnings or interest on moneys deposited in the revolving fund shall be credited to the revolving fund.

ARTICLE 3  
PHYSICAL RESOURCES  
GENERAL PROVISIONS

Sec. 28. NEW SECTION. 8A.301 DEFINITIONS.  
When used in this article, unless the context otherwise requires:

1. "Bid specification" means the standards or qualities which must be met before a contract to purchase will be awarded and any terms which the director has set as a condition precedent to the awarding of a contract.
2. "Competitive bidding procedure" means the advertisement for, solicitation of, or the procurement of bids; the manner and condition in which bids are received; and the procedure by which bids are opened, accessed, accepted, rejected, or awarded. A "competitive bidding procedure" may include a transaction accomplished in an electronic format.
3. "Life cycle cost" means the expected total cost of ownership during the life of a product.
4. "Printing" means, as used in chapter 7A and this article, the reproduction of an image from a printing surface made generally by a contact impression that causes a transfer of ink, the reproduction of an impression by a photographic process, or the reproduction of an image by electronic means and shall include binding and may include material, processes, or operations necessary to produce a finished printed product, but shall not include binding, rebinding or repairs of books,

30 33 journals, pamphlets, magazines and literary articles by any  
30 34 library of the state or any of its offices, departments,  
30 35 boards, and commissions held as a part of their library  
31 1 collection.

31 2 5. "State buildings and grounds" excludes any building  
31 3 under the custody and control of the Iowa public employees'  
31 4 retirement system.

31 5 Sec. 29. NEW SECTION. 8A.302 DEPARTMENTAL DUTIES ==  
31 6 PHYSICAL RESOURCES.

31 7 The duties of the department as it relates to the physical  
31 8 resources of state government shall include but not  
31 9 necessarily be limited to the following:

31 10 1. Providing a system of uniform standards and  
31 11 specifications for purchasing. When the system is developed,  
31 12 all items of general use shall be purchased by state agencies  
31 13 through the department, except items used by the state  
31 14 department of transportation, institutions under the control  
31 15 of the state board of regents, the department for the blind,  
31 16 and any other agencies exempted by law. However, items of  
31 17 general use may be purchased through the department by any  
31 18 governmental entity.

31 19 2. Providing for the proper maintenance of the state  
31 20 capitol, grounds, and equipment, and all other state buildings  
31 21 and grounds, and equipment at the seat of government, and of  
31 22 the state laboratories facility in Ankeny, except those  
31 23 referred to in section 216B.3, subsection 6.

31 24 3. Providing for mail services for all state officials,  
31 25 agencies, and departments located at the seat of government.  
31 26 However, postage shall not be furnished to the general  
31 27 assembly, its members, officers, employees, or committees.

31 28 4. Providing architectural services, contracting for  
31 29 construction and construction oversight for state agencies  
31 30 except for the state board of regents, department of  
31 31 transportation, national guard, natural resource commission,  
31 32 and the Iowa public employees' retirement system. Capital  
31 33 funding appropriated to state agencies, except to the state  
31 34 board of regents, department of transportation, national  
31 35 guard, natural resource commission, and the Iowa public  
32 1 employees' retirement system, for property management shall be  
32 2 transferred for administration to the director of the  
32 3 department of administrative services.

32 4 5. Developing and implementing procedures to conduct  
32 5 transactions, including purchasing, authorized by this article  
32 6 in an electronic format to the extent determined appropriate  
32 7 by the department. The director shall adopt rules  
32 8 establishing criteria for competitive bidding procedures  
32 9 involving transactions in an electronic format, including  
32 10 criteria for accepting or rejecting bids which are  
32 11 electronically transmitted to the department, and for  
32 12 establishing with reasonable assurance the authenticity of the  
32 13 bid and the bidder's identity.

32 14 6. Providing insurance for motor vehicles owned by the  
32 15 state.

32 16 PURCHASING

32 17 Sec. 30. NEW SECTION. 8A.311 COMPETITIVE BIDDING ==  
32 18 PREFERENCES == RECIPROCAL APPLICATION == DIRECT PURCHASING.

32 19 The director shall adopt rules establishing competitive  
32 20 bidding procedures.

32 21 1. All equipment, supplies, or services procured by the  
32 22 department shall be purchased by a competitive bidding  
32 23 procedure. However, the director may exempt by rule purchases  
32 24 of noncompetitive items and purchases in lots or quantities  
32 25 too small to be effectively purchased by competitive bidding.  
32 26 Preference shall be given to purchasing Iowa products and  
32 27 purchases from Iowa-based businesses if the Iowa-based  
32 28 business bids submitted are comparable in price to bids  
32 29 submitted by out-of-state businesses and otherwise meet the  
32 30 required specifications. If the laws of another state mandate  
32 31 a percentage preference for businesses or products from that  
32 32 state and the effect of the preference is that bids of Iowa  
32 33 businesses or products that are otherwise low and responsive  
32 34 are not selected in the other state, the same percentage  
32 35 preference shall be applied to Iowa businesses and products  
33 1 when businesses or products from that other state are bid to  
33 2 supply Iowa requirements.

33 3 2. The director may also exempt the purchase of an item or  
33 4 service from a competitive bidding procedure when the director  
33 5 determines that the best interests of the state will be served  
33 6 by the exemption which shall be based on one of the following:  
33 7 a. An immediate or emergency need existing for the item or  
33 8 service.

33 9 b. A need to protect the health, safety, or welfare of  
33 10 persons occupying or visiting a public improvement or property  
33 11 located adjacent to the public improvement.

33 12 3. a. The director may contract for the purchase of items  
33 13 or services by the department. Contracts for the purchase of  
33 14 items or services shall be awarded on the basis of the lowest  
33 15 competent bid. Contracts not based on competitive bidding  
33 16 shall be awarded on the basis of bidder competence and  
33 17 reasonable price.

33 18 b. Architectural and engineering services shall be  
33 19 procured in a reasonable manner, as the director by rule may  
33 20 determine, on the basis of competence and qualification for  
33 21 the type of services required and for a fair and reasonable  
33 22 price.

33 23 4. The director may refuse all bids on any item or service  
33 24 and request new bids.

33 25 5. The director shall establish by rule the amount of  
33 26 security, if any, to accompany a bid or as a condition  
33 27 precedent to the awarding of any contract and the  
33 28 circumstances under which a security will be returned to the  
33 29 bidder or forfeited to the state.

33 30 6. The director shall adopt rules providing a method for  
33 31 the various state agencies to file with the department a list  
33 32 of those supplies, equipment, machines, and all items needed  
33 33 to properly perform their governmental duties and functions.

33 34 7. The director shall furnish a list of specifications,  
33 35 prices, and discounts of contract items to any governmental  
34 1 subdivision which shall be responsible for payment to the  
34 2 vendor under the terms and conditions outlined in the state  
34 3 contract.

34 4 8. The director shall adopt rules providing that any state  
34 5 agency may, upon request, purchase directly from a vendor if  
34 6 the direct purchasing is as economical or more economical than  
34 7 purchasing through the department, or upon a showing that  
34 8 direct purchasing by the state agency would be in the best  
34 9 interests of the state due to an immediate or emergency need.  
34 10 The rules shall include a provision permitting a state agency  
34 11 to purchase directly from a vendor, on the agency's own  
34 12 authority, if the purchase will not exceed five thousand  
34 13 dollars and the purchase will contribute to the agency  
34 14 complying with or exceeding the targeted small business  
34 15 procurement goals under sections 73.15 through 73.21.

34 16 Any member of the executive council may bring before the  
34 17 executive council for review a decision of the director  
34 18 granting a state agency request for direct purchasing. The  
34 19 executive council shall hear and review the director's  
34 20 decision in the same manner as an appeal filed by an aggrieved  
34 21 bidder, except that the three-day period for filing for review  
34 22 shall not apply.

34 23 9. a. When the estimated total cost of construction,  
34 24 erection, demolition, alteration, or repair of a public  
34 25 improvement exceeds twenty-five thousand dollars, the  
34 26 department shall solicit bids on the proposed improvement by  
34 27 publishing an advertisement in a print format. The  
34 28 advertisement shall appear in two publications in a newspaper  
34 29 published in the county in which the work is to be done. The  
34 30 first advertisement for bids appearing in a newspaper shall be  
34 31 not less than fifteen days prior to the date set for receiving  
34 32 bids. The department may publish an advertisement in an  
34 33 electronic format as an additional method of soliciting bids  
34 34 under this paragraph.

34 35 b. In awarding a contract under this subsection, the  
35 1 department shall let the work to the lowest responsible bidder  
35 2 submitting a sealed proposal. However, if the department  
35 3 considers the bids received not to be acceptable, all bids may  
35 4 be rejected and new bids requested. A bid shall be  
35 5 accompanied by a certified or cashier's check or bid bond in  
35 6 an amount designated in the advertisement for bids as security  
35 7 that the bidder will enter into a contract for the work  
35 8 requested. The department shall establish the bid security in  
35 9 an amount equal to at least five percent, but not more than  
35 10 ten percent of the estimated total cost of the work. The  
35 11 certified or cashier's checks or bid bonds of unsuccessful  
35 12 bidders shall be returned as soon as the successful bidder is  
35 13 determined. The certified or cashier's check or bid bond of  
35 14 the successful bidder shall be returned upon execution of the  
35 15 contract. This subsection does not apply to the construction,  
35 16 erection, demolition, alteration, or repair of a public  
35 17 improvement when the contracting procedure for the work  
35 18 requested is otherwise provided for in law.

35 19 10. The state and its political subdivisions shall give

35 20 preference to purchasing Iowa products and purchasing from  
35 21 Iowa-based businesses if the bids submitted are comparable in  
35 22 price to those submitted by other bidders and meet the  
35 23 required specifications.

35 24 11. The director shall adopt rules which require that each  
35 25 bid received for the purchase of items purchased by the  
35 26 department includes a product content statement which provides  
35 27 the percentage of the content of the item which is reclaimed  
35 28 material.

35 29 12. The director shall review and, where necessary, revise  
35 30 specifications used by state agencies to procure products in  
35 31 order to ensure all of the following:

35 32 a. The procurement of products containing recovered  
35 33 materials, including but not limited to lubricating oils,  
35 34 retread tires, building insulation materials, and recovered  
35 35 materials from waste tires. The specifications shall be  
36 1 revised if they restrict the use of alternative materials,  
36 2 exclude recovered materials, or require performance standards  
36 3 which exclude products containing recovered materials unless  
36 4 the agency seeking the product can document that the use of  
36 5 recovered materials will hamper the intended use of the  
36 6 product.

36 7 b. The procurement by state agencies of bio-based  
36 8 hydraulic fluids, greases, and other industrial lubricants  
36 9 manufactured from soybeans in accordance with the requirements  
36 10 of section 8A.316.

36 11 13. A bidder awarded a state construction contract shall  
36 12 disclose the names of all subcontractors, who will work on the  
36 13 project being bid, within forty-eight hours after the award of  
36 14 the contract.

36 15 If a subcontractor named by a bidder awarded a state  
36 16 construction contract is replaced, or if the cost of work to  
36 17 be done by a subcontractor is reduced, the bidder shall  
36 18 disclose the name of the new subcontractor or the amount of  
36 19 the reduced cost.

36 20 14. A state agency shall make every effort to purchase  
36 21 those products produced for sale by sheltered workshops, work  
36 22 activity centers, and other special programs funded in whole  
36 23 or in part by public moneys that employ persons with mental  
36 24 retardation or other developmental disabilities or mental  
36 25 illness if the products meet the required specifications.

36 26 15. A state agency shall make every effort to purchase  
36 27 products produced for sale by employers of persons in  
36 28 supported employment.

36 29 16. The department shall not award a contract to a bidder  
36 30 for a construction, reconstruction, demolition, or repair  
36 31 project or improvement with an estimated cost that exceeds  
36 32 twenty-five thousand dollars in which the bid requires the use  
36 33 of inmate labor supplied by the department of corrections, but  
36 34 not employed by private industry pursuant to section 904.809,  
36 35 to perform the project or improvement.

37 1 17. This section does not apply to Iowa technology center  
37 2 contracts in support of activities performed for another  
37 3 governmental entity, either state or federal. The Iowa  
37 4 technology center is an entity created by a chapter 28E  
37 5 agreement entered into by the department of public defense.

37 6 18. Life cycle cost and energy efficiency shall be  
37 7 included in the criteria used by the department, institutions  
37 8 under the control of the state board of regents, the  
37 9 department of transportation, the department for the blind,  
37 10 and other state agencies in developing standards and  
37 11 specifications for purchasing energy-consuming products. For  
37 12 purposes of this subsection, the life cycle costs of American  
37 13 motor vehicles shall be reduced by five percent in order to  
37 14 determine if the motor vehicle is comparable to foreign-made  
37 15 motor vehicles. "American motor vehicles" includes those  
37 16 vehicles manufactured in this state and those vehicles in  
37 17 which at least seventy percent of the value of the motor  
37 18 vehicle was manufactured in the United States or Canada and at  
37 19 least fifty percent of the motor vehicle sales of the  
37 20 manufacturer are in the United States or Canada. In  
37 21 determining the life cycle costs of a motor vehicle, the costs  
37 22 shall be determined on the basis of the bid price, the resale  
37 23 value, and the operating costs based upon a useable life of  
37 24 five years or seventy-five thousand miles, whichever occurs  
37 25 first.

37 26 19. Preference shall be given to purchasing American-made  
37 27 products and purchases from American-based businesses if the  
37 28 life cycle costs are comparable to those products of foreign  
37 29 businesses and which most adequately fulfill the department's  
37 30 need.



37 31 Sec. 31. NEW SECTION. 8A.312 COOPERATIVE PURCHASING.

37 32 The director may purchase items through the department of  
37 33 transportation, institutions under the control of the state  
37 34 board of regents, and any other agency exempted by law from  
37 35 centralized purchasing. These state agencies shall upon  
38 1 request furnish the director with a list of and specifications  
38 2 for all items of office equipment, furniture, fixtures, motor  
38 3 vehicles, heavy equipment, and other related items to be  
38 4 purchased during the next quarter and the date by which the  
38 5 director must file with the agency the quantity of items to be  
38 6 purchased by the state agency for the department. The  
38 7 department shall be liable to the state agency for the  
38 8 proportionate costs the items purchased for the department  
38 9 bear to the total purchase price. When items purchased have  
38 10 been delivered, the state agency shall notify the director and  
38 11 after receipt of the purchase price shall release the items to  
38 12 the director or upon the director's order.

38 13 Sec. 32. NEW SECTION. 8A.313 DISPUTES INVOLVING  
38 14 PURCHASING FROM IOWA STATE INDUSTRIES.

38 15 Disputes arising between the department of corrections and  
38 16 a purchasing department or agency over the procurement of  
38 17 products from Iowa state industries as described in section  
38 18 904.808 shall be referred to the director. The decision of  
38 19 the director is final unless a written appeal is filed with  
38 20 the executive council within five days of receipt of the  
38 21 decision of the director, excluding Saturdays, Sundays, and  
38 22 legal holidays. If an appeal is filed, the executive council  
38 23 shall hear and determine the appeal within thirty days. The  
38 24 decision of the executive council is final.

38 25 Sec. 33. NEW SECTION. 8A.314 PURCHASING REVOLVING FUND.

38 26 1. A purchasing revolving fund is established within the  
38 27 department. The director shall keep an accurate itemized  
38 28 account for each state agency purchasing through the  
38 29 department, using services provided for by the department, and  
38 30 using postage supplied by the department.

38 31 2. At the end of each month the director shall render a  
38 32 statement to each state agency for the actual cost of items  
38 33 purchased through the department, and the actual cost of  
38 34 services and postage used by the agency. The monthly  
38 35 statement shall also include a fair proportion of the  
39 1 administrative costs of the department during the month. The  
39 2 portion of administrative costs shall be determined by the  
39 3 director subject to review by the executive council upon  
39 4 complaint from any state agency adversely affected.

39 5 3. Statements rendered to the various state agencies shall  
39 6 be paid by the state agencies in the manner determined by the  
39 7 department. When the statements are paid the sums shall be  
39 8 credited to the purchasing revolving fund. If any funds  
39 9 accrue to the revolving fund in excess of two hundred twenty=  
39 10 five thousand dollars and there is no anticipated need or use  
39 11 for such funds, the governor shall order the excess funds  
39 12 credited to the general fund of the state.

39 13 Sec. 34. NEW SECTION. 8A.315 STATE PURCHASES == RECYCLED  
39 14 PRODUCTS == SOYBEAN-BASED INKS.

39 15 1. When purchasing paper products other than printing and  
39 16 writing paper, the department shall, when the price is  
39 17 reasonably competitive and the quality as intended, purchase  
39 18 the recycled product. The department shall also purchase,  
39 19 when the price is reasonably competitive and the quality as  
39 20 intended, and in keeping with the schedule established in this  
39 21 subsection, soybean-based inks and plastic products with  
39 22 recycled content including but not limited to plastic garbage  
39 23 can liners.

39 24 a. One hundred percent of the purchases of inks which are  
39 25 used for newsprint printing services performed internally or  
39 26 contracted for by the department shall be soybean-based.

39 27 b. One hundred percent of the purchases of inks, other  
39 28 than inks which are used for newsprint printing services, and  
39 29 which are used internally or contracted for by the department,  
39 30 shall be soybean-based to the extent formulations for such  
39 31 inks are available.

39 32 c. A minimum of ten percent of the purchases of garbage  
39 33 can liners made by the department shall be plastic garbage can  
39 34 liners with recycled content. The percentage shall increase  
39 35 by ten percent annually until fifty percent of the purchases  
40 1 of garbage can liners are plastic garbage can liners with  
40 2 recycled content.

40 3 d. The department shall report to the general assembly on  
40 4 February 1 of each year the following:

40 5 (1) A listing of plastic products which are regularly  
40 6 purchased by the department and other state agencies for which

40 7 recycled content product alternatives are available, including  
40 8 the cost of the plastic products purchased and the cost of the  
40 9 recycled content product alternatives.

40 10 (2) Information relating to soybean-based inks and plastic  
40 11 garbage can liners with recycled content regularly purchased  
40 12 by the department and other state agencies, including the cost  
40 13 of purchasing soybean-based inks and plastic garbage can  
40 14 liners with recycled content and the percentages of soybean=  
40 15 based inks and plastic garbage can liners with recycled  
40 16 content that have been purchased.

40 17 e. For purposes of this subsection, "recycled content"  
40 18 means that the content of the product contains a minimum of  
40 19 thirty percent postconsumer material.

40 20 2. a. Except as otherwise provided in this section, the  
40 21 department shall purchase and use recycled printing and  
40 22 writing paper so that ninety percent of the volume of printing  
40 23 and writing paper purchased is recycled paper. The recycled  
40 24 printing and writing paper shall meet the requirements for  
40 25 procuring recycled printing and writing paper set forth in 40  
40 26 C.F.R. pt. 247, and in related recovered materials advisory  
40 27 notices issued by the United States environmental protection  
40 28 agency.

40 29 b. The department shall establish a prioritization  
40 30 procedure for the purchase of recycled paper which provides  
40 31 for a five percent differential in the cost of the purchase of  
40 32 paper which has been recycled through the use of a  
40 33 nonchlorinated process.

40 34 c. If a provision under this subsection results in the  
40 35 limitation of sources for the purchase of printing and writing  
41 1 paper to three or fewer sources, the department may waive the  
41 2 requirement in order to purchase necessary amounts of printing  
41 3 and writing paper.

41 4 d. Notwithstanding the requirements of this subsection  
41 5 regarding the purchase of recycled printing and writing paper,  
41 6 the department shall purchase acid-free permanent paper in the  
41 7 amount necessary for the production or reproduction of  
41 8 documents, papers, or similar materials produced or reproduced  
41 9 for permanent preservation pursuant to law.

41 10 3. The department, in conjunction with the department of  
41 11 natural resources, shall review the procurement specifications  
41 12 currently used by the state to eliminate, wherever possible,  
41 13 discrimination against the procurement of products  
41 14 manufactured with recovered materials and soybean-based inks.

41 15 4. The department of natural resources shall assist the  
41 16 department in locating suppliers of recycled products and  
41 17 soybean-based inks and collecting data on recycled content and  
41 18 soybean-based ink purchases.

41 19 5. Information on recycled content shall be requested on  
41 20 all bids for paper products other than printing and writing  
41 21 paper issued by the state and on other bids for products which  
41 22 could have recycled content such as oil, plastic products,  
41 23 including but not limited to compost materials, aggregate,  
41 24 solvents, soybean-based inks, and rubber products. Except for  
41 25 purchases of printing and writing paper made pursuant to  
41 26 subsection 2, paragraphs "c" and "d", the department shall  
41 27 require persons submitting bids for printing and writing paper  
41 28 to certify that the printing and writing paper proposed  
41 29 complies with the requirements referred to in subsection 2,  
41 30 paragraph "a".

41 31 6. The department, in conjunction with the department of  
41 32 natural resources, shall adopt rules to administer this  
41 33 section.

41 34 7. All state agencies shall fully cooperate with the  
41 35 department and with the department of natural resources in all  
42 1 phases of implementing this section.

42 2 8. The department, whenever technically feasible, shall  
42 3 purchase and use degradable loose foam packing material  
42 4 manufactured from grain starches or other renewable resources,  
42 5 unless the cost of the packing material is more than ten  
42 6 percent greater than the cost of packing material made from  
42 7 nonrenewable resources. For the purposes of this subsection,  
42 8 "packing material" means material, other than an exterior  
42 9 packing shell, that is used to stabilize, protect, cushion, or  
42 10 brace the contents of a package.

42 11 Sec. 35. NEW SECTION. 8A.316 LUBRICANTS AND OILS ==  
42 12 PREFERENCES.

42 13 The department shall do all of the following:

42 14 1. Revise its procedures and specifications for the  
42 15 purchase of lubricating oil and industrial oil to eliminate  
42 16 exclusion of recycled oils and any requirement that oils be  
42 17 manufactured from virgin materials.

42 18 2. Require that purchases of lubricating oil and  
42 19 industrial oil be made from the seller whose oil product  
42 20 contains the greatest percentage of recycled oil, unless one  
42 21 of the following circumstances regarding a specific oil  
42 22 product containing recycled oil exists:  
42 23 a. The product is not available within a reasonable period  
42 24 of time or in quantities necessary or in container sizes  
42 25 appropriate to meet a state agency's needs.  
42 26 b. The product does not meet the performance requirements  
42 27 or standards recommended by the equipment or vehicle  
42 28 manufacturer, including any warranty requirements.  
42 29 c. The product is available only at a cost greater than  
42 30 one hundred five percent of the cost of comparable virgin oil  
42 31 products.  
42 32 3. Establish and maintain a preference program for  
42 33 procuring oils containing the maximum content of recycled oil.  
42 34 The preference program shall include but is not limited to all  
42 35 of the following:  
43 1 a. The inclusion of the preferences for recycled oil  
43 2 products in publications used to solicit bids from suppliers.  
43 3 b. The provision of a description of the recycled oil  
43 4 procurement program at bidders' conferences.  
43 5 c. Discussion of the preference program in lubricating oil  
43 6 and industrial oil procurement solicitations or invitations to  
43 7 bid.  
43 8 d. Efforts to inform industry trade associations about the  
43 9 preference program.  
43 10 4. a. Provide that when purchasing hydraulic fluids,  
43 11 greases, and other industrial lubricants, the department or a  
43 12 state agency authorized by the department to directly purchase  
43 13 hydraulic fluids, greases, and other industrial lubricants  
43 14 shall give preference to purchasing bio-based hydraulic  
43 15 fluids, greases, and other industrial lubricants manufactured  
43 16 from soybeans.  
43 17 b. Provide for the implementation of requirements  
43 18 necessary in order to carry out this subsection by the  
43 19 department or state agency making the purchase, which shall  
43 20 include all of the following:  
43 21 (1) Including the preference requirements in publications  
43 22 used to solicit bids for hydraulic fluids, greases, and other  
43 23 industrial lubricants.  
43 24 (2) Describing the preference requirements at bidders'  
43 25 conferences in which bids for the sale of hydraulic fluids,  
43 26 greases, and other industrial lubricants are sought by the  
43 27 department or authorized state agency.  
43 28 (3) Discussing the preference requirements in procurement  
43 29 solicitations or invitations to bid for hydraulic fluids,  
43 30 greases, and other industrial lubricants.  
43 31 (4) Informing industry trade associations about the  
43 32 preference requirements.  
43 33 c. As used in this subsection, unless the context  
43 34 otherwise requires:  
43 35 (1) "Bio-based hydraulic fluids, greases, and other  
44 1 industrial lubricants" means the same as defined by the United  
44 2 States department of agriculture, if the department has  
44 3 adopted such a definition. If the United States department of  
44 4 agriculture has not adopted a definition, "bio-based hydraulic  
44 5 fluids, greases, and other industrial lubricants" means  
44 6 hydraulic fluids, greases, and other lubricants containing a  
44 7 minimum of fifty-one percent soybean oil.  
44 8 (2) "Other industrial lubricants" means lubricants used or  
44 9 applied to machinery.

44 10 PHYSICAL RESOURCES AND FACILITY MANAGEMENT

44 11 Sec. 36. NEW SECTION. 8A.321 PHYSICAL RESOURCES AND  
44 12 FACILITY MANAGEMENT == DIRECTOR DUTIES == APPROPRIATION.

44 13 In managing the physical resources of government, the  
44 14 director shall perform all of the following duties:

44 15 1. Provide for supervision over the custodians, and other  
44 16 employees of the department in and about the capitol and other  
44 17 state buildings, and the state laboratories facility in  
44 18 Ankeny, except the buildings and grounds referred to in  
44 19 section 216B.3, subsection 6, at the seat of government.  
44 20 2. Institute, in the name of the state, and with the  
44 21 advice and consent of the attorney general, civil and criminal  
44 22 proceedings against any person for injury or threatened injury  
44 23 to any public property, including but not limited to  
44 24 intangible and intellectual property, under the person's  
44 25 control.  
44 26 3. Under the direction of the governor, provide, furnish,  
44 27 and pay for public utilities service, heat, maintenance, minor  
44 28 repairs, and equipment in operating and maintaining the

44 29 official residence of the governor of Iowa.

44 30 4. Contract, with the approval of the executive council,  
44 31 for the repair, remodeling, or, if the condition warrants,  
44 32 demolition of all buildings and grounds of the state at the  
44 33 seat of government, at the state laboratories facility in  
44 34 Ankeny, and the institutions of the department of human  
44 35 services and the department of corrections for which no  
45 1 specific appropriation has been made, if the cost of repair,  
45 2 remodeling, or demolition will not exceed one hundred thousand  
45 3 dollars when completed. The cost of repair projects for which  
45 4 no specific appropriation has been made shall be paid from the  
45 5 fund provided in section 7D.29.

45 6 5. Dispose of all personal property of the state under the  
45 7 director's control as provided by section 8A.324 when it  
45 8 becomes unnecessary or unfit for further use by the state. If  
45 9 the director concludes that the personal property is  
45 10 contaminated, contains hazardous waste, or is hazardous waste,  
45 11 the director may charge the state agency responsible for the  
45 12 property for removal and disposal of the personal property.  
45 13 The director shall adopt rules establishing the procedures for  
45 14 inspecting, selecting, and removing personal property from  
45 15 state agencies or from state storage.

45 16 6. a. Lease all buildings and office space necessary to  
45 17 carry out the provisions of this article or necessary for the  
45 18 proper functioning of any state agency at the seat of  
45 19 government. For state agencies at the seat of government, the  
45 20 director may lease buildings and office space in Polk county  
45 21 or in a county contiguous to Polk county. If no specific  
45 22 appropriation has been made, the proposed lease shall be  
45 23 submitted to the executive council for approval. The cost of  
45 24 any lease for which no specific appropriation has been made  
45 25 shall be paid from the fund provided in section 7D.29.

45 26 b. When the general assembly is not in session, the  
45 27 director may request moneys from the executive council for  
45 28 moving state agencies located at the seat of government from  
45 29 one location to another. The request may include moving  
45 30 costs, telecommunications costs, repair costs, or any other  
45 31 costs relating to the move. The executive council may approve  
45 32 and shall pay the costs from funds provided in section 7D.29  
45 33 if it determines the agency or department has no available  
45 34 funds for these expenses.

45 35 c. Coordinate the leasing of buildings and office space by  
46 1 state agencies throughout the state and develop cooperative  
46 2 relationships with the state board of regents in order to  
46 3 promote the colocation of state agencies.

46 4 7. Unless otherwise provided by law, coordinate the  
46 5 location, design, plans and specifications, construction, and  
46 6 ultimate use of the real or personal property to be purchased  
46 7 by a state agency for whose benefit and use the property is  
46 8 being obtained. If the purchase of real or personal property  
46 9 is to be financed pursuant to section 12.28, the department  
46 10 shall cooperate with the treasurer of state in providing the  
46 11 information necessary to complete the financing of the  
46 12 property.

46 13 A contract for acquisition, construction, erection,  
46 14 demolition, alteration, or repair by a private person of real  
46 15 or personal property to be lease-purchased by the treasurer of  
46 16 state pursuant to section 12.28 is exempt from section 8A.311,  
46 17 subsections 1 and 9, unless the lease-purchase contract is  
46 18 funded in advance by a deposit of the lessor's moneys to be  
46 19 administered by the treasurer of state under a lease-purchase  
46 20 contract which requires rent payments to commence upon  
46 21 delivery of the lessor's moneys to the lessee.

46 22 8. With the authorization of a constitutional majority of  
46 23 each house of the general assembly and approval by the  
46 24 governor, dispose of real property belonging to the state and  
46 25 its state agencies upon terms, conditions, and consideration  
46 26 as the director may recommend. If real property subject to  
46 27 sale under this subsection has been purchased or acquired from  
46 28 appropriated funds, the proceeds of the sale shall be  
46 29 deposited with the treasurer of state and credited to the  
46 30 general fund of the state or other fund from which  
46 31 appropriated. There is appropriated from that same fund, with  
46 32 the prior approval of the executive council and in cooperation  
46 33 with the director, a sum equal to the proceeds so deposited  
46 34 and credited to the state agency to which the disposed real  
46 35 property belonged or by which it was used, for purposes of the  
47 1 state agency.

47 2 9. Subject to the selection procedures of section 12.30,  
47 3 employ financial consultants, banks, insurers, underwriters,  
47 4 accountants, attorneys, and other advisors or consultants

47 5 necessary to implement the provisions of subsection 7.  
47 6 10. Prepare annual status reports for all ongoing capital  
47 7 projects of all state agencies, as defined in section 8.3A,  
47 8 and submit the status reports to the legislative capital  
47 9 projects committee.  
47 10 11. Call upon any state agency, as defined in section  
47 11 8.3A, for assistance the director may require in performing  
47 12 the director's duties under subsection 10 regarding capital  
47 13 project status reports. All state agencies, upon the request  
47 14 of the director and with the approval of the director of the  
47 15 department of management, shall assist the director and are  
47 16 authorized to make available to the director any existing  
47 17 studies, surveys, plans, data, and other materials in the  
47 18 possession of the state agencies which are relevant to the  
47 19 director's duties.  
47 20 12. In carrying out the requirements of section 64.6,  
47 21 purchase an individual or a blanket surety bond insuring the  
47 22 fidelity of state officers. The department may self-assume or  
47 23 self-insure fidelity exposures for state officials and  
47 24 employees. A state official is deemed to have furnished  
47 25 surety if the official has been covered by a program of  
47 26 insurance or self-insurance established by the department. To  
47 27 the extent possible, all bonded state employees shall be  
47 28 covered under one or more blanket bonds or position schedule  
47 29 bonds.

47 30 13. Review the management of state property loss exposures  
47 31 and state liability risk exposures for the capitol complex.  
47 32 Insurance coverage may include self-insurance or any type of  
47 33 insurance protection sold by insurers, including, but not  
47 34 limited to, full coverage, partial coverage, coinsurance,  
47 35 reinsurance, and deductible insurance coverage.

48 1 14. Establish a monument maintenance account in the state  
48 2 treasury under the control of the department. Funds for the  
48 3 maintenance of a state monument, whether received by gift,  
48 4 devise, bequest, or otherwise, shall be deposited in the  
48 5 account. Funds in the account shall be deposited in an  
48 6 interest-bearing account. Notwithstanding section 12C.7,  
48 7 interest earned on the account shall be deposited in the  
48 8 account and shall be used to maintain the designated monument.  
48 9 Any maintenance funds for a state monument held by the state  
48 10 and interest earned on the funds shall be used to maintain the  
48 11 designated monument. Notwithstanding section 8.33, funds in  
48 12 the monument maintenance account at the end of a fiscal year  
48 13 shall not revert to the general fund of the state.

48 14 Sec. 37. NEW SECTION. 8A.322 BUILDINGS AND GROUNDS ==  
48 15 SERVICES == PUBLIC USE.

48 16 1. The director shall provide necessary lighting, fuel,  
48 17 and water services for the state buildings and grounds located  
48 18 at the seat of government, and for the state laboratories  
48 19 facility in Ankeny, except the buildings and grounds referred  
48 20 to in section 216B.3, subsection 6.

48 21 2. Except for buildings and grounds described in section  
48 22 216B.3, subsection 6; section 2.43, unnumbered paragraph 1;  
48 23 and any buildings under the custody and control of the Iowa  
48 24 public employees' retirement system, the director shall assign  
48 25 office space at the capitol, other state buildings, and  
48 26 elsewhere in the city of Des Moines, and the state  
48 27 laboratories facility in Ankeny, for all executive and  
48 28 judicial state agencies. Assignments may be changed at any  
48 29 time. The various officers to whom rooms have been so  
48 30 assigned may control the same while the assignment to them is  
48 31 in force. Official apartments shall be used only for the  
48 32 purpose of conducting the business of the state. The term  
48 33 "capitol" or "capitol building" as used in the Code shall be  
48 34 descriptive of all buildings upon the capitol grounds. The  
48 35 capitol building itself is reserved for the operations of the  
49 1 general assembly, the governor, and the courts and the  
49 2 assignment and use of physical facilities for the general  
49 3 assembly shall be pursuant to section 2.43.

49 4 3. The director shall establish, publish, and enforce  
49 5 rules regulating and restricting the use by the public of the  
49 6 capitol buildings and grounds and of the state laboratories  
49 7 facility in Ankeny. The rules when established shall be  
49 8 posted in conspicuous places about the capitol buildings and  
49 9 grounds and the state laboratories facility, as applicable.  
49 10 Any person violating any rule, except a parking regulation,  
49 11 shall be guilty of a simple misdemeanor.

49 12 Sec. 38. NEW SECTION. 8A.323 PARKING REGULATIONS.

49 13 1. The director shall establish, publish, and enforce  
49 14 rules regulating, restricting, or prohibiting the use by state  
49 15 officials, state employees, and the public, of motor vehicle

49 16 parking facilities at the state capitol complex and at the  
49 17 state laboratories facility in Ankeny. The assignment of  
49 18 legislative parking spaces shall be under the control of the  
49 19 legislative council. The rules established by the director  
49 20 may establish fines for violations and a procedure for payment  
49 21 of the fines. The director may order payment of a fine and  
49 22 enforce the order in the district court.

49 23 2. Motor vehicles parked in violation of the rules may be  
49 24 removed without the owner's or operator's consent and at the  
49 25 owner's or operator's expense. Motor vehicles removed and not  
49 26 claimed within thirty days of their removal or vehicles  
49 27 abandoned within the capitol grounds may be disposed of in  
49 28 accordance with the provisions of sections 321.85 through  
49 29 321.91.

49 30 3. The parking rules established shall be posted in  
49 31 conspicuous places at the capitol complex and at the state  
49 32 laboratories facility in Ankeny, as applicable. Copies of the  
49 33 rules shall be made available to all state officials and  
49 34 employees and any other person who requests a copy of the  
49 35 rules.

50 1 4. All fines collected by the department shall be  
50 2 forwarded to the treasurer of state and deposited in the  
50 3 general fund of the state.

50 4 Sec. 39. NEW SECTION. 8A.324 DISPOSAL OF PERSONAL  
50 5 PROPERTY.

50 6 The director may dispose of personal property of the state  
50 7 under the director's control by any of the following means:

50 8 1. The director may dispose of unfit or unnecessary  
50 9 personal property by sale. Proceeds from the sale of personal  
50 10 property shall be deposited in the general fund of the state.

50 11 2. If the director concludes that the personal property  
50 12 has little or no value, the director may enter into an  
50 13 agreement with a not-for-profit organization or governmental  
50 14 agency to dispose of the personal property. The not-for-  
50 15 profit organization or governmental agency may charge the  
50 16 state agency in control of the property with the cost of  
50 17 removing and transporting the property. Title to the personal  
50 18 property shall transfer when the personal property is in the  
50 19 possession of the not-for-profit organization or governmental  
50 20 agency. If a governmental agency adds value to the property  
50 21 transferred to it and sells it, the proceeds from the sale  
50 22 shall be deposited with the governmental agency and not in the  
50 23 general fund of the state.

50 24 3. The director may dispose of presses, printing  
50 25 equipment, printing supplies, and other machinery or equipment  
50 26 used in the printing operation.

50 27 Sec. 40. NEW SECTION. 8A.325 SERVICES AND COMMODITIES  
50 28 ACCEPTED.

50 29 The director may accept services, commodities, and surplus  
50 30 property and make provision for warehousing and distribution  
50 31 to various departments and governmental subdivisions of the  
50 32 state, and such other agencies, institutions, and authorized  
50 33 recipients within the state as may be from time to time  
50 34 designated in federal statutes and rules.

50 35 Sec. 41. NEW SECTION. 8A.326 TERRACE HILL COMMISSION.

51 1 1. The Terrace Hill commission is created consisting of  
51 2 nine persons, appointed by the governor, who are knowledgeable  
51 3 in business management and historic preservation and  
51 4 renovation. The governor shall appoint the chairperson. The  
51 5 terms of the commission members are for three years beginning  
51 6 on July 1 and ending on June 30.

51 7 2. The Terrace Hill commission may consult with the  
51 8 Terrace Hill society, Terrace Hill foundation, the executive  
51 9 and legislative branches of this state, and other persons  
51 10 interested in the property.

51 11 3. The Terrace Hill commission may enter into contracts,  
51 12 subject to this chapter, to execute its purposes.

51 13 4. The commission may adopt rules to administer the  
51 14 programs of the commission. The decision of the commission is  
51 15 final agency action under chapter 17A.

51 16 Sec. 42. NEW SECTION. 8A.327 RENT REVOLVING FUND CREATED  
51 17 == PURPOSE.

51 18 1. A rent revolving fund is created in the state treasury  
51 19 under the control of the department to be used by the  
51 20 department to pay the lease or rental costs of all buildings  
51 21 and office space necessary for the proper functioning of any  
51 22 state agency at the seat of state government as provided in  
51 23 section 8A.321, subsection 6, except that this fund shall not  
51 24 be used to pay the rental or lease costs of a state agency  
51 25 which has not received funds budgeted for rental or lease  
51 26 purposes.

51 27 2. The director shall pay the lease or rental fees to the  
51 28 renter or lessor and submit a monthly statement to each state  
51 29 agency for which building and office space is rented or  
51 30 leased. If the director pays the lease or rental fees on  
51 31 behalf of a state agency, the state agency's payment to the  
51 32 department shall be credited to the rent revolving fund  
51 33 established by this section. With the approval of the  
51 34 director, a state agency may pay the lease or rental cost  
51 35 directly to the person who is due the payment under the lease  
52 1 or rental agreement.

52 2 Sec. 43. NEW SECTION. 8A.328 RECYCLING REVOLVING FUND.  
52 3 A recycling revolving fund is created within the state  
52 4 treasury under the control of the department. The fund shall  
52 5 consist of any moneys appropriated by the general assembly and  
52 6 any other moneys available to and obtained or accepted by the  
52 7 department from the federal government or private sources for  
52 8 placement in the fund. The assets of the fund shall be used  
52 9 by the department only for supporting recycling operations.  
52 10 Moneys in the fund shall be drawn upon the written requisition  
52 11 of the director or an authorized representative of the  
52 12 director. The fund is subject to an annual audit by the  
52 13 auditor of state. Section 8.33 does not apply to any moneys  
52 14 in the fund. Notwithstanding section 12C.7, subsection 2,  
52 15 interest or earnings on moneys deposited in the fund shall be  
52 16 credited to the fund.

52 17 Sec. 44. NEW SECTION. 8A.329 WASTEPAPER RECYCLING  
52 18 PROGRAM.

52 19 1. The department in accordance with recommendations made  
52 20 by the department of natural resources shall require all state  
52 21 agencies to establish an agency wastepaper recycling program.  
52 22 The director shall adopt rules which require a state agency to  
52 23 develop a program to ensure the recycling of the wastepaper  
52 24 generated by the agency. All state employees shall practice  
52 25 conservation of paper materials.

52 26 2. For the purposes of this section, "agency wastepaper"  
52 27 means wastepaper or wastepaper products generated by the  
52 28 agency.

52 29 3. The rules adopted by the director shall provide for the  
52 30 continuation of existing state agency contracts which provide  
52 31 for alternative waste management not including incineration or  
52 32 land burial of agency wastepaper.

52 33 PRINTING

52 34 Sec. 45. NEW SECTION. 8A.341 STATE PRINTING == DUTIES.

52 35 The director shall do all of the following as it relates to  
53 1 printing:

53 2 1. Provide general supervision of all matters pertaining  
53 3 to public printing, including the enforcement of contracts for  
53 4 printing, except as otherwise provided by law. The  
53 5 supervision shall include providing guidelines for the letting  
53 6 of contracts for printing, the manner, form, style, and  
53 7 quantity of public printing, and the specifications and  
53 8 advertisements for public printing. In addition, the director  
53 9 shall have charge of office equipment and supplies and of the  
53 10 stock, if any, required in connection with printing contracts.

53 11 2. If money is appropriated for this purpose, by November  
53 12 1 of each year supply a report which contains the name,  
53 13 gender, county, or city of residence when possible, official  
53 14 title, salary received during the previous fiscal year, base  
53 15 salary as computed on July 1 of the current fiscal year, and  
53 16 traveling and subsistence expense of the personnel of each of  
53 17 the departments, boards, and commissions of the state  
53 18 government except personnel who receive an annual salary of  
53 19 less than one thousand dollars. The number of the personnel  
53 20 and the total amount received by them shall be shown for each  
53 21 department in the report. All employees who have drawn  
53 22 salaries, fees, or expense allowances from more than one  
53 23 department or subdivision shall be listed separately under the  
53 24 proper departmental heading. On the request of the director,  
53 25 the head of each department, board, or commission shall  
53 26 furnish the data covering that agency. The report shall be  
53 27 distributed upon request without charge to each caucus of the  
53 28 general assembly, the legislative service bureau, the  
53 29 legislative fiscal bureau, the chief clerk of the house of  
53 30 representatives, and the secretary of the senate. Copies of  
53 31 the report shall be made available to other persons in both  
53 32 print or electronic medium upon payment of a fee, which shall  
53 33 not exceed the cost of providing the copy of the report.  
53 34 Sections 22.2 through 22.6 apply to the report. All funds  
53 35 from the sale of the report shall be deposited in the printing  
54 1 revolving fund established in section 8A.345. Requests for  
54 2 print publications shall be handled only upon receipt of

54 3 postage by the director.

54 4 3. Deposit receipts from the sale of presses, printing  
54 5 equipment, printing supplies, and other machinery or equipment  
54 6 used in the printing operation in the printing revolving fund  
54 7 established in section 8A.345.

54 8 Sec. 46. NEW SECTION. 8A.342 CONTRACTS WITH STATE  
54 9 INSTITUTIONS.

54 10 The director may, without advertising for bids, enter into  
54 11 contracts or make provision for doing any of the work coming  
54 12 under the provisions of chapter 7A and this article at any  
54 13 school or institution under the ownership or control of the  
54 14 state. The work shall be done under conditions substantially  
54 15 the same as those provided for in the case of contracts with  
54 16 individuals and the same standard of quality or product shall  
54 17 be required.

54 18 Sec. 47. NEW SECTION. 8A.343 SPECIFICATIONS AND  
54 19 REQUIREMENTS.

54 20 The director shall, from time to time, adopt and print  
54 21 specifications and requirements covering all matters relating  
54 22 to printing that are the subject of contracts.

54 23 Sec. 48. NEW SECTION. 8A.344 PUBLIC PRINTING == BIDDING  
54 24 PROCEDURES.

54 25 1. The director shall advertise for bids for public  
54 26 printing. Advertisements shall state where and how  
54 27 specifications and other necessary information may be  
54 28 obtained, the time during which the director will receive  
54 29 bids, and the day, hour, and place when bids will be publicly  
54 30 opened or accessed, and the manner by which the contracts will  
54 31 be awarded.

54 32 2. The director shall supply prospective bidders and  
54 33 others on request with the specifications and requirements,  
54 34 blank forms for bids, samples of printing so far as possible,  
54 35 and all other information pertaining to the subject.

55 1 3. The specifications shall be kept on file in the office  
55 2 of the director, open to public inspection, together with  
55 3 samples so far as possible, of the work to be done or the  
55 4 material to be furnished.

55 5 4. Bids submitted must be:

55 6 a. Secured in writing, by telephone, by facsimile, or in a  
55 7 format prescribed by the director as indicated in the bid  
55 8 specifications.

55 9 b. Signed by the bidder, or if a telephone or electronic  
55 10 bid, confirmed by the bidder in a manner prescribed by the  
55 11 director.

55 12 c. Submitted in a format prescribed by the director which  
55 13 reasonably assures the authenticity of the bid and the  
55 14 bidder's identity.

55 15 d. Submitted to the department as specified by the date  
55 16 and time established in the advertisements for bids.

55 17 5. When a bidder submits a bid to the department, the  
55 18 director may require the bidder to file a bid bond or a  
55 19 certified or cashier's check payable to the treasurer of state  
55 20 in an amount to be fixed in the bid specifications, either  
55 21 covering all classes or items or services, or separate  
55 22 certified or cashier's checks for each bid in case the bidder  
55 23 makes more than one bid. In lieu of a certified or cashier's  
55 24 check, the bidder may furnish a yearly bond in an amount to be  
55 25 established by the director. Certified or cashier's checks  
55 26 deposited by unsuccessful bidders, and by successful bidders  
55 27 when they have entered into the contract, shall be returned to  
55 28 them.

55 29 6. All bids shall be publicly opened or accessed and read  
55 30 and the contracts awarded in the manner designated in the bid  
55 31 specifications. In the award of a contract, due consideration  
55 32 shall be given to the price bid, mechanical and other  
55 33 equipment proposed to be used by the bidder, the financial  
55 34 responsibility of the bidder, the bidder's ability and  
55 35 experience in the performance of similar contracts, and any  
56 1 other factors that the department determines are relevant and  
56 2 that are included in the bid specifications.

56 3 7. The director shall have the right to reject any or all  
56 4 bids, and in case of rejection or because of failure of a  
56 5 bidder to enter into a contract, the director may advertise  
56 6 for and secure new bids.

56 7 8. When the director is satisfied that bidders have  
56 8 presented bids pursuant to an agreement, understanding, or  
56 9 combination to prevent free competition, the director shall  
56 10 reject all of them and readvertise for bids as in the first  
56 11 instance.

56 12 Sec. 49. NEW SECTION. 8A.345 PRINTING REVOLVING FUND.  
56 13 A revolving fund is created in the state treasury under the



56 14 control of the department and may be used in making payments  
56 15 for supplying paper stock, offset printing, copy preparation,  
56 16 binding, distribution costs, and original payment of printing  
56 17 and binding claims for any of the state departments, bureaus,  
56 18 commissions, or institutions. All salaries and expenses  
56 19 properly chargeable to the fund shall be paid from the fund.  
56 20 The director may also use the fund for the purchase of  
56 21 replacement or additional equipment, if a sufficient balance  
56 22 will remain in the fund to enable the continued operation of  
56 23 the printing operations of the department.

#### 56 24 DOCUMENT MANAGEMENT

56 25 Sec. 50. NEW SECTION. 8A.351 DISTRIBUTION OF DOCUMENTS  
56 26 == GENERAL PROVISIONS.

56 27 If money is appropriated for this purpose, the director  
56 28 shall do all of the following:

56 29 1. The director shall require from officials or heads of  
56 30 departments mailing lists, or addressed labels or envelopes,  
56 31 for use in distribution of reports and documents. The  
56 32 director shall revise such lists, eliminating duplications and  
56 33 adding to the lists libraries, institutions, public officials,  
56 34 and persons having actual use for the material. The director  
56 35 shall arrange the lists so as to reduce to the minimum the  
57 1 postage or other cost for delivery. Requests for publications  
57 2 shall be handled only upon receipt of postage by the director  
57 3 from the requesting agency or department.

57 4 2. The director shall furnish the various officials and  
57 5 departments with copies of their reports needed for office use  
57 6 or to be distributed to persons requesting the reports.  
57 7 Requests for publications shall be handled only upon receipt  
57 8 of postage by the director.

57 9 3. The director may send additional copies of publications  
57 10 to other state officials, individuals, institutions,  
57 11 libraries, or societies that may request them. Requests for  
57 12 publications shall be handled only upon receipt of postage by  
57 13 the director.

#### 57 14 FLEET MANAGEMENT

57 15 Sec. 51. NEW SECTION. 8A.361 VEHICLE ASSIGNMENT ==  
57 16 AUTHORITY IN DEPARTMENT.

57 17 The department shall provide for the assignment of all  
57 18 state-owned motor vehicles to all state officers and  
57 19 employees, and to all state offices, departments, bureaus, and  
57 20 commissions, except the department of transportation,  
57 21 institutions under the control of the state board of regents,  
57 22 the department for the blind, and any other agencies exempted  
57 23 by law.

57 24 Sec. 52. NEW SECTION. 8A.362 FLEET MANAGEMENT == POWERS  
57 25 AND DUTIES == FUEL ECONOMY REQUIREMENTS.

57 26 1. The director may provide for the assignment to a state  
57 27 officer or employee or to a state agency, of one or more motor  
57 28 vehicles which may be required by the state officer or  
57 29 employee or state agency, after the state officer or employee  
57 30 or state agency has shown the necessity for such  
57 31 transportation. The director may assign a motor vehicle  
57 32 either for part-time or full-time use. The director may  
57 33 revoke the assignment at any time.

57 34 2. The director may cause all state-owned motor vehicles  
57 35 to be inspected periodically. Whenever the inspection reveals  
58 1 that repairs have been improperly made on the motor vehicle or  
58 2 that the operator is not giving the motor vehicle the proper  
58 3 care, the director shall report this fact to the head of the  
58 4 state agency to which the motor vehicle has been assigned,  
58 5 together with recommendation for improvement.

58 6 3. The director shall provide for a record system for the  
58 7 keeping of records of the total number of miles state-owned  
58 8 motor vehicles are driven and the per-mile cost of operation  
58 9 of each motor vehicle. Every state officer or employee shall  
58 10 keep a record book to be furnished by the director in which  
58 11 the officer or employee shall enter all purchases of gasoline,  
58 12 lubricating oil, grease, and other incidental expense in the  
58 13 operation of the motor vehicle assigned to the officer or  
58 14 employee, giving the quantity and price of each purchase,  
58 15 including the cost and nature of all repairs on the motor  
58 16 vehicle. Each operator of a state-owned motor vehicle shall  
58 17 promptly prepare a report at the end of each month on forms  
58 18 furnished by the director and forwarded to the director,  
58 19 giving the information the director may request in the report.  
58 20 Each month the director shall compile the costs and mileage of  
58 21 state-owned motor vehicles from the reports and keep a cost  
58 22 history for each motor vehicle and the costs shall be reduced  
58 23 to a cost-per-mile basis for each motor vehicle. The director  
58 24 shall call to the attention of an elected official or the head

58 25 of any state agency to which a motor vehicle has been assigned  
58 26 any evidence of the mishandling or misuse of a state-owned  
58 27 motor vehicle which is called to the director's attention.  
58 28 A motor vehicle operated under this subsection shall not  
58 29 operate on gasoline other than gasoline blended with at least  
58 30 ten percent ethanol, unless under emergency circumstances. A  
58 31 state-issued credit card used to purchase gasoline shall not  
58 32 be valid to purchase gasoline other than gasoline blended with  
58 33 at least ten percent ethanol, if commercially available. The  
58 34 motor vehicle shall also be affixed with a brightly visible  
58 35 sticker which notifies the traveling public that the motor  
59 1 vehicle is being operated on gasoline blended with ethanol.  
59 2 However, the sticker is not required to be affixed to an  
59 3 unmarked vehicle used for purposes of providing law  
59 4 enforcement or security.

59 5 4. a. The director shall provide for the purchase of all  
59 6 motor vehicles for all branches of the state government,  
59 7 except the department of transportation, institutions under  
59 8 the control of the state board of regents, the department for  
59 9 the blind, and any other state agency exempted by law. The  
59 10 director shall purchase new vehicles in accordance with  
59 11 competitive bidding procedures for items or services as  
59 12 provided in this article. The director may purchase used or  
59 13 preowned vehicles at governmental or dealer auctions if the  
59 14 purchase is determined to be in the best interests of the  
59 15 state.

59 16 b. The director, and any other state agency, which for  
59 17 purposes of this subsection includes but is not limited to  
59 18 community colleges and institutions under the control of the  
59 19 state board of regents, or local governmental subdivisions  
59 20 purchasing new motor vehicles, shall purchase new passenger  
59 21 vehicles and light trucks so that the average fuel efficiency  
59 22 for the fleet of new passenger vehicles and light trucks  
59 23 purchased in that year equals or exceeds the average fuel  
59 24 economy standard for the vehicles' model year as established  
59 25 by the United States secretary of transportation under 15  
59 26 U.S.C. } 2002. This paragraph does not apply to vehicles  
59 27 purchased for law enforcement purposes or used for off-road  
59 28 maintenance work, or work vehicles used to pull loaded  
59 29 trailers.

59 30 c. Not later than February 15 of each year, the director  
59 31 shall report compliance with the corporate average fuel  
59 32 economy standards published by the United States secretary of  
59 33 transportation for new motor vehicles, other than motor  
59 34 vehicles purchased by the department of transportation,  
59 35 institutions under the control of the state board of regents,  
60 1 the department for the blind, and any other state agency  
60 2 exempted from the requirements of this subsection. The report  
60 3 of compliance shall classify the vehicles purchased for the  
60 4 current vehicle model year using the following categories:  
60 5 passenger automobiles, enforcement automobiles, vans, and  
60 6 light trucks. The director shall deliver a copy of the report  
60 7 to the department of natural resources. As used in this  
60 8 paragraph, "corporate average fuel economy" means the  
60 9 corporate average fuel economy as defined in 49 C.F.R. }  
60 10 533.5.

60 11 d. The director shall assign motor vehicles available for  
60 12 use to maximize the average passenger miles per gallon of  
60 13 motor vehicle fuel consumed. In assigning motor vehicles, the  
60 14 director shall consider standards established by the director,  
60 15 which may include but are not limited to the number of  
60 16 passengers traveling to a destination, the fuel economy of and  
60 17 passenger capacity of vehicles available for assignment, and  
60 18 any other relevant information, to assure assignment of the  
60 19 most energy-efficient vehicle or combination of vehicles for a  
60 20 trip from those vehicles available for assignment. The  
60 21 standards shall not apply to special work vehicles and law  
60 22 enforcement vehicles. The standards shall apply to the  
60 23 following agencies:  
60 24 (1) Department of transportation.  
60 25 (2) Institutions under the control of the state board of  
60 26 regents.  
60 27 (3) Department for the blind.  
60 28 (4) Any other state agency exempted from obtaining  
60 29 vehicles for use through the department.

60 30 e. As used in paragraph "d", "fuel economy" means the  
60 31 average number of miles traveled by an automobile per gallon  
60 32 of gasoline consumed as determined by the United States  
60 33 environmental protection agency administrator in accordance  
60 34 with 26 U.S.C. } 4064(c).

60 35 5. Of all new passenger vehicles and light pickup trucks

61 1 purchased by the director, a minimum of ten percent of all  
61 2 such vehicles and trucks purchased shall be equipped with  
61 3 engines which utilize alternative methods of propulsion  
61 4 including but not limited to any of the following:  
61 5 a. A flexible fuel, which is any of the following:  
61 6 (1) A fuel blended with not more than fifteen percent  
61 7 gasoline and at least eighty-five percent ethanol.  
61 8 (2) A fuel which is a mixture of diesel fuel and processed  
61 9 soybean oil. At least twenty percent of the mixed fuel by  
61 10 volume must be processed soybean oil.  
61 11 (3) A renewable fuel approved by the office of renewable  
61 12 fuels and coproducts pursuant to section 159A.3.  
61 13 b. Compressed or liquefied natural gas.  
61 14 c. Propane gas.  
61 15 d. Solar energy.  
61 16 e. Electricity.  
61 17 This subsection does not apply to vehicles and trucks  
61 18 purchased and directly used for law enforcement or purchased  
61 19 and used for off-road maintenance work or to pull loaded  
61 20 trailers.  
61 21 6. All used motor vehicles turned in to the director shall  
61 22 be disposed of by public auction, and the sales shall be  
61 23 advertised in a newspaper of general circulation one week in  
61 24 advance of sale, and the receipts from the sale shall be  
61 25 deposited in the depreciation fund to the credit of the state  
61 26 agency turning in the vehicle; except that, in the case of a  
61 27 used motor vehicle of special design, the director may,  
61 28 instead of selling it at public auction, authorize the motor  
61 29 vehicle to be traded for another vehicle of similar design.  
61 30 If a vehicle sustains damage and the cost to repair exceeds  
61 31 the wholesale value of the vehicle, the director may dispose  
61 32 of the motor vehicle by obtaining two or more written salvage  
61 33 bids and the vehicle shall be sold to the highest responsible  
61 34 bidder.  
61 35 7. The director may authorize the establishment of motor  
62 1 pools consisting of a number of state-owned motor vehicles  
62 2 under the director's supervision. The director may store the  
62 3 motor vehicles in a public or private garage. If the director  
62 4 establishes a motor pool, any state officer or employee  
62 5 desiring the use of a state-owned motor vehicle on state  
62 6 business shall notify the director of the need for a vehicle  
62 7 within a reasonable time prior to actual use of the motor  
62 8 vehicle. The director may assign a motor vehicle from the  
62 9 motor pool to the state officer or employee. If two or more  
62 10 state officers or employees desire the use of a state-owned  
62 11 motor vehicle for a trip to the same destination for the same  
62 12 length of time, the director may assign one vehicle to make  
62 13 the trip.  
62 14 8. The director shall require that a sign be placed on  
62 15 each state-owned motor vehicle in a conspicuous place which  
62 16 indicates its ownership by the state. This requirement shall  
62 17 not apply to motor vehicles requested to be exempt by the  
62 18 director or by the commissioner of public safety. All state-  
62 19 owned motor vehicles shall display registration plates bearing  
62 20 the word "official" except motor vehicles requested to be  
62 21 furnished with ordinary plates by the director or by the  
62 22 commissioner of public safety pursuant to section 321.19. The  
62 23 director shall keep an accurate record of the registration  
62 24 plates used on all state-owned motor vehicles.  
62 25 9. All fuel used in state-owned automobiles shall be  
62 26 purchased at cost from the various installations or garages of  
62 27 the department of transportation, state board of regents,  
62 28 department of human services, or state motor pools throughout  
62 29 the state, unless the state-owned sources for the purchase of  
62 30 fuel are not reasonably accessible. If the director  
62 31 determines that state-owned sources for the purchase of fuel  
62 32 are not reasonably accessible, the director shall authorize  
62 33 the purchase of fuel from other sources. The director may  
62 34 prescribe a manner, other than the use of the revolving fund,  
62 35 in which the purchase of fuel from state-owned sources is  
63 1 charged to the state agency responsible for the use of the  
63 2 motor vehicle. The director shall prescribe the manner in  
63 3 which oil and other normal motor vehicle maintenance for  
63 4 state-owned motor vehicles may be purchased from private  
63 5 sources, if they cannot be reasonably obtained from a state  
63 6 motor pool. The director may advertise for bids and award  
63 7 contracts in accordance with competitive bidding procedures  
63 8 for items and services as provided in this article for  
63 9 furnishing fuel, oil, grease, and vehicle replacement parts  
63 10 for all state-owned motor vehicles. The director and other  
63 11 state agencies, when advertising for bids for gasoline, shall

63 12 also seek bids for ethanol blended gasoline.  
63 13 Sec. 53. NEW SECTION. 8A.363 PRIVATE USE PROHIBITED ==  
63 14 RATE FOR STATE BUSINESS.  
63 15 1. A state officer or employee shall not use a state-owned  
63 16 motor vehicle for personal private use. A state officer or  
63 17 employee shall not be compensated for driving a privately  
63 18 owned motor vehicle unless it is done on state business with  
63 19 the approval of the director. In that case the state officer  
63 20 or employee shall receive an amount to be determined by the  
63 21 director. The amount shall not exceed the maximum allowable  
63 22 under the federal internal revenue service rules per mile,  
63 23 notwithstanding established mileage requirements or  
63 24 depreciation allowances. However, the director may authorize  
63 25 private motor vehicle rates in excess of the rate allowed  
63 26 under the federal internal revenue service rules for state  
63 27 business use of substantially modified or specially equipped  
63 28 privately owned vehicles required by persons with  
63 29 disabilities. A statutory provision establishing  
63 30 reimbursement for necessary mileage, travel, or actual  
63 31 expenses to a state officer falls under the private motor  
63 32 vehicle mileage rate limitation provided in this section  
63 33 unless specifically provided otherwise. Any peace officer  
63 34 employed by the state as defined in section 801.4 who is  
63 35 required to use a private motor vehicle in the performance of  
64 1 official duties shall receive the private vehicle mileage rate  
64 2 at the rate provided in this section. However, the director  
64 3 may delegate authority to officials of the state, and  
64 4 department heads, for the use of private vehicles on state  
64 5 business up to a yearly mileage figure established by the  
64 6 director. If a state motor vehicle has been assigned to a  
64 7 state officer or employee, the officer or employee shall not  
64 8 collect mileage for the use of a privately owned motor vehicle  
64 9 unless the state motor vehicle assigned is not useable.  
64 10 2. This section does not apply to any of the following:  
64 11 a. Officials and employees of the state whose mileage is  
64 12 paid other than by a state agency.  
64 13 b. Elected officers of the state.  
64 14 c. Judicial officers or court employees.  
64 15 d. Members and employees of the general assembly who shall  
64 16 be governed by policies relating to motor vehicle travel,  
64 17 including but not limited to reimbursement for expenses, if  
64 18 such policies are otherwise established by the general  
64 19 assembly.  
64 20 Sec. 54. NEW SECTION. 8A.364 FLEET MANAGEMENT REVOLVING  
64 21 FUND == REPLENISHMENT.  
64 22 1. A fleet management revolving fund is created in the  
64 23 state treasury under the control of the department. There is  
64 24 appropriated from moneys in the state treasury not otherwise  
64 25 appropriated the sum of twenty-five thousand dollars to the  
64 26 revolving fund. All purchases of gasoline, oil, tires,  
64 27 repairs, and all other general expenses incurred in the  
64 28 operation of state-owned motor vehicles, and all salaries and  
64 29 expenses of employees providing fleet management services  
64 30 shall be paid from this fund.  
64 31 2. At the end of each month the director shall render a  
64 32 statement to each state department or agency for the actual  
64 33 cost of operation of all motor vehicles assigned to such  
64 34 department or agency, together with a fair proportion of the  
64 35 administrative costs for providing fleet management services  
65 1 during such month, as determined by the director, all subject  
65 2 to review by the executive council upon complaint of any state  
65 3 department or agency adversely affected. Such expenses shall  
65 4 be paid by the state departments or agencies in the same  
65 5 manner as other expenses of such department are paid, and when  
65 6 such expenses are paid, such sums shall be credited to the  
65 7 fleet management revolving fund. If any surplus accrues to  
65 8 the revolving fund in excess of twenty-five thousand dollars  
65 9 for which there is no anticipated need or use, the governor  
65 10 may order such surplus transferred to the general fund of the  
65 11 state.  
65 12 Sec. 55. NEW SECTION. 8A.365 VEHICLE REPLACEMENT ==  
65 13 DEPRECIATION FUND.  
65 14 1. The director shall maintain a depreciation fund for the  
65 15 purchase of replacement motor vehicles and additions to the  
65 16 fleet. The director's records shall show the total funds  
65 17 deposited by and credited to each department or agency. At  
65 18 the end of each month, the director shall render a statement  
65 19 to each state department or agency for additions to the fleet  
65 20 and total depreciation credited to that department or agency.  
65 21 Such depreciation expense shall be paid by the state  
65 22 departments or agencies in the same manner as other expenses

65 23 are paid, and shall be deposited in the depreciation fund to  
65 24 the credit of the department or agency. The funds credited to  
65 25 each department or agency shall remain the property of the  
65 26 department or agency. However, at the end of each biennium,  
65 27 the director shall cause to revert to the fund from which it  
65 28 accumulated any unassigned depreciation.

65 29 2. The department of corrections is not obligated to pay  
65 30 the depreciation expense otherwise required by this section.

65 31 Sec. 56. NEW SECTION. 8A.366 VIOLATIONS == WITHDRAWING  
65 32 USE OF VEHICLE.

65 33 If any state officer or employee violates any of the  
65 34 provisions of sections 8A.361 through 8A.365, the director may  
65 35 withdraw the assignment of any state-owned motor vehicle to  
66 1 any such state officer or employee.

66 2 ARTICLE 4

66 3 HUMAN RESOURCES

66 4 STATE HUMAN RESOURCE MANAGEMENT == OPERATIONS

66 5 Sec. 57. NEW SECTION. 8A.401 DEFINITIONS.

66 6 As used in this article, unless the context otherwise  
66 7 requires:

66 8 1. "Appointing authority" means the chairperson or person  
66 9 in charge of any state agency including, but not limited to,  
66 10 boards, bureaus, commissions, and departments, or an employee  
66 11 designated to act for an appointing authority.

66 12 2. "Merit system" means the merit system established under  
66 13 this article.

66 14 Sec. 58. NEW SECTION. 8A.402 STATE HUMAN RESOURCE  
66 15 MANAGEMENT == RESPONSIBILITIES.

66 16 1. The department is the central agency responsible for  
66 17 state human resource management, including the following:

66 18 a. Policy and program development, workforce planning, and  
66 19 research.

66 20 b. Employment activities and transactions, including  
66 21 recruitment, examination, and certification of personnel  
66 22 seeking employment or promotion.

66 23 c. Compensation and benefits, including position  
66 24 classification, wages and salaries, and employee benefits.  
66 25 Employee benefits include, but are not limited to, group  
66 26 medical, dental, life, and long-term disability insurance,  
66 27 workers' compensation, unemployment benefits, sick leave,  
66 28 deferred compensation, holidays and vacations, tuition  
66 29 reimbursement, and educational leaves.

66 30 d. Equal employment opportunity, affirmative action, and  
66 31 workforce diversity programs.

66 32 e. Education, training, and workforce development  
66 33 programs.

66 34 f. Personnel records and administration, including the  
66 35 audit of all personnel-related documents.

67 1 g. Employment relations, including the negotiation and  
67 2 administration of collective bargaining agreements on behalf  
67 3 of the executive branch of the state and its departments and  
67 4 agencies as provided in chapter 20. However, the state board  
67 5 of regents, for the purposes of implementing and administering  
67 6 collective bargaining pursuant to chapter 20, shall act as the  
67 7 exclusive representative of the state with respect to its  
67 8 faculty, scientific, and other professional staff.

67 9 h. The coordination and management of the state's human  
67 10 resource information system, except as otherwise required for  
67 11 those employees governed by chapter 262.

67 12 2. The department, as it relates to the human resources of  
67 13 state government, shall do the following:

67 14 a. Establish and maintain a list of all employees in the  
67 15 executive branch of state government and set forth, as to each  
67 16 employee, the class title, pay, status, and other pertinent  
67 17 data. For employees governed by chapter 262, the director  
67 18 shall work collaboratively with the state board of regents to  
67 19 collect such information.

67 20 b. Foster and develop, in cooperation with appointing  
67 21 authorities and others, programs for the improvement of  
67 22 employee effectiveness, including training, safety, health,  
67 23 counseling, and welfare.

67 24 c. Encourage and exercise leadership in the development of  
67 25 effective personnel administration within the several state  
67 26 agencies, and to make available the facilities of the  
67 27 department to this end.

67 28 d. The director may delegate any or all aspects of the  
67 29 recruitment, examination, and selection processes to an agency  
67 30 in the executive branch upon request by that agency. The  
67 31 director shall oversee all activities delegated to that  
67 32 agency.

67 33 e. Utilize appropriate persons, including officers and

67 34 employees in the executive branch, to assist in the  
67 35 recruitment and examination of applicants for employment.  
68 1 These officers and employees are not entitled to extra pay for  
68 2 their services, but shall be paid their necessary traveling  
68 3 and other expenses.  
68 4 3. The human resource management powers and duties of the  
68 5 department do not extend to the legislative branch or the  
68 6 judicial branch of state government, except for functions  
68 7 related to administering compensation and benefit programs.  
68 8 MERIT SYSTEM  
68 9 Sec. 59. NEW SECTION. 8A.411 MERIT SYSTEM ESTABLISHED ==  
68 10 COLLECTIVE BARGAINING == APPLICABILITY.  
68 11 1. The general purpose of this article is to establish for  
68 12 the state of Iowa a system of human resource administration  
68 13 based on merit principles and scientific methods to govern the  
68 14 appointment, compensation, promotion, welfare, development,  
68 15 transfer, layoff, removal, and discipline of its civil  
68 16 employees, and other incidents of state employment.  
68 17 2. It is also the purpose of this article to promote the  
68 18 coordination of personnel rules and policies with collective  
68 19 bargaining agreements negotiated under chapter 20.  
68 20 3. All appointments and promotions to positions covered by  
68 21 the state merit system shall be made solely on the basis of  
68 22 merit and fitness, to be ascertained by examinations or other  
68 23 appropriate screening methods, except as otherwise specified  
68 24 in this article.  
68 25 4. Provisions of this article pertaining to  
68 26 qualifications, examination, certification, probation, and  
68 27 just cause apply only to employees covered by the merit  
68 28 system.  
68 29 Sec. 60. NEW SECTION. 8A.412 MERIT SYSTEM ==  
68 30 APPLICABILITY == EXCEPTIONS.  
68 31 The merit system shall apply to all employees of the state  
68 32 and to all positions in state government now existing or  
68 33 hereafter established. In addition, the director shall  
68 34 negotiate an agreement with the director of the department for  
68 35 the blind concerning the applicability of the merit system to  
69 1 the professional employees of the department for the blind.  
69 2 However, the merit system shall not apply to the following:  
69 3 1. The general assembly, employees of the general  
69 4 assembly, other officers elected by popular vote, and persons  
69 5 appointed to fill vacancies in elective offices.  
69 6 2. All judicial officers and court employees.  
69 7 3. The staff of the governor.  
69 8 4. All board members and commissioners whose appointments  
69 9 are provided for by the Code.  
69 10 5. All presidents, deans, directors, teachers,  
69 11 professional and scientific personnel, and student employees  
69 12 under the jurisdiction of the state board of regents. The  
69 13 state board of regents shall adopt rules not inconsistent with  
69 14 the objectives of this chapter for all of its employees not  
69 15 cited specifically in this subsection. The rules are subject  
69 16 to approval by the director. If at any time the director  
69 17 determines that the state board of regents merit system rules  
69 18 do not comply with the intent of this chapter, the director  
69 19 may direct the board to correct the rules. The rules of the  
69 20 board are not in compliance until the corrections are made.  
69 21 6. All appointments which are by law made by the governor.  
69 22 7. All personnel of the armed services under state  
69 23 jurisdiction.  
69 24 8. Persons who are paid a fee on a contract=for=services  
69 25 basis.  
69 26 9. Seasonal employees appointed during a state agency's  
69 27 designated six-month seasonal employment period during the  
69 28 same annual twelve-month period, as approved by the director.  
69 29 10. Residents, patients, or inmates working in state  
69 30 institutions, or persons on parole working in work experience  
69 31 programs.  
69 32 11. Professional employees under the supervision of the  
69 33 attorney general, the state public defender, the auditor of  
69 34 state, the treasurer of state, and the public employment  
69 35 relations board. However, employees of the consumer advocate  
70 1 division of the department of justice, other than the consumer  
70 2 advocate, are subject to the merit system.  
70 3 12. Production and engineering personnel under the  
70 4 jurisdiction of the Iowa public broadcasting board.  
70 5 13. Members of the Iowa state patrol and other peace  
70 6 officers employed by the department of public safety. The  
70 7 commissioner of public safety shall adopt rules not  
70 8 inconsistent with the objectives of this article for the  
70 9 persons described in this subsection.

70 10 14. Professional employees of the arts division of the  
70 11 department of cultural affairs.

70 12 15. The chief deputy administrative officer and each  
70 13 division administrator of each state agency not otherwise  
70 14 specifically provided for in this section, and physicians not  
70 15 otherwise specifically provided for in this section. As used  
70 16 in this subsection, "division administrator" means a principal  
70 17 administrative or policymaking position designated by a chief  
70 18 administrative officer and approved by the director or as  
70 19 specified by law.

70 20 16. All confidential employees.

70 21 17. Other employees specifically exempted by law.

70 22 18. The administrator and the deputy administrator of the  
70 23 credit union division of the department of commerce, all  
70 24 members of the credit union review board, and all employees of  
70 25 the credit union division.

70 26 19. The superintendent and the deputy superintendent of  
70 27 the banking division of the department of commerce, all  
70 28 members of the state banking board, and all employees of the  
70 29 banking division.

70 30 20. Chief deputy industrial commissioners.

70 31 21. The appointee serving as the coordinator of the office  
70 32 of renewable fuels and coproducts, as provided in section  
70 33 159A.3.

70 34 22. All employees of the Iowa state fair authority.

70 35 23. Up to six nonprofessional employees designated at the  
71 1 discretion of each statewide elected official.

71 2 24. The position classifications of employees of statewide  
71 3 elected officials that were exempt from the merit system as of  
71 4 June 30, 1994, shall remain exempt and any employees  
71 5 subsequently hired to fill any exempt position vacancies shall  
71 6 be classified as exempt employees.

71 7 Sec. 61. NEW SECTION. 8A.413 STATE HUMAN RESOURCE  
71 8 MANAGEMENT == RULES.

71 9 The department shall adopt rules for the administration of  
71 10 this article pursuant to chapter 17A. Rulemaking shall be  
71 11 carried out with due regard to the terms of collective  
71 12 bargaining agreements. A rule shall not supersede a provision  
71 13 of a collective bargaining agreement negotiated under chapter  
71 14 20. The rules shall provide:

71 15 1. For the preparation, maintenance, and revision of a job  
71 16 classification plan that encompasses each job in the executive  
71 17 branch, excluding job classifications under the state board of  
71 18 regents, based upon assigned duties and responsibilities, so  
71 19 that the same general qualifications may reasonably be  
71 20 required for and the same pay plan may be equitably applied to  
71 21 all jobs in the same job classification. The director shall  
71 22 classify the position of every employee in the executive  
71 23 branch, excluding employees of the state board of regents,  
71 24 into one of the classes in the plan. An appointing authority  
71 25 or employee adversely affected by a classification or  
71 26 reclassification decision may file an appeal with the  
71 27 director. Appeals of a classification or reclassification  
71 28 decision shall be exempt from the provisions of section 17A.11  
71 29 and shall be heard by a committee appointed by the director.  
71 30 The classification or reclassification of a position that  
71 31 would cause the expenditure of additional salary funds shall  
71 32 not become effective if the expenditure of funds would be in  
71 33 excess of the total amount budgeted for the department of the  
71 34 appointing authority until budgetary approval has been  
71 35 obtained from the director of the department of management.

72 1 When the public interest requires a decrease or increase of  
72 2 employees in any position or type of employment not otherwise  
72 3 provided by law, or the creation or abolishment of any  
72 4 position or type of employment, the director, acting in good  
72 5 faith, shall so notify the governor. Thereafter, the position  
72 6 or type of employment shall stand abolished or created and the  
72 7 number of employees therein reduced or increased.

72 8 2. For pay plans covering all employees in the executive  
72 9 branch, excluding employees of the state board of regents,  
72 10 after consultation with the governor and appointing  
72 11 authorities, and consistent with the terms of collective  
72 12 bargaining agreements negotiated under chapter 20.

72 13 3. For examinations to determine the relative fitness of  
72 14 applicants for employment. Such examinations shall be  
72 15 practical in character and shall relate to such matters as  
72 16 will fairly assess the ability of the applicant to discharge  
72 17 the duties of the position to which appointment is sought.

72 18 Where the Code of Iowa establishes certification,  
72 19 registration, or licensing provisions, such documents shall be  
72 20 considered prima facie evidence of basic skills accomplishment

72 21 and such persons shall be exempt from further basic skills  
72 22 examination.

72 23 Vacancies shall be announced publicly at least ten days in  
72 24 advance of the date fixed for the filing of applications for  
72 25 the vacancies, and shall be advertised through the  
72 26 communications media. The director may, however, in the  
72 27 director's discretion, continue to receive applications and  
72 28 examine candidates for a period adequate to assure a  
72 29 sufficient number of eligibles to meet the needs of the  
72 30 system, and may add the names of successful candidates to  
72 31 existing eligible lists.

72 32 4. For promotions which shall give appropriate  
72 33 consideration to the applicant's qualifications, record of  
72 34 performance, and conduct. A promotion means a change in the  
72 35 status of an employee from a position in one class to a  
73 1 position in another class having a higher pay grade.

73 2 5. For the establishment of lists for appointment and  
73 3 promotion, upon which lists shall be placed the names of  
73 4 successful candidates.

73 5 6. For the rejection of applicants who fail to meet  
73 6 reasonable requirements.

73 7 7. For the appointment by the appointing authority of a  
73 8 person on the appropriate list to fill a vacancy.

73 9 8. For a probation period of six months, excluding  
73 10 educational or training leave, before appointment may be made  
73 11 complete, and during which period a probationer may be  
73 12 discharged or reduced in class or pay. If the employee's  
73 13 services are unsatisfactory, the employee shall be dropped  
73 14 from the payroll on or before the expiration of the probation  
73 15 period. If satisfactory, the appointment shall be deemed  
73 16 permanent. The determination of the appointing authority  
73 17 shall be final and conclusive.

73 18 9. For temporary employment for not more than seven  
73 19 hundred eighty hours in a fiscal year.

73 20 10. For provisional employment when there is no  
73 21 appropriate list available. Such provisional employment shall  
73 22 not continue longer than one hundred eighty calendar days.

73 23 11. For transfer from a position in one state agency to a  
73 24 similar position in the same state agency or another state  
73 25 agency involving similar qualifications, duties,  
73 26 responsibilities, and salary ranges. Whenever an employee  
73 27 transfers or is transferred from one state agency to another  
73 28 state agency, the employee's seniority rights, any accumulated  
73 29 sick leave, and accumulated vacation time, as provided in the  
73 30 law, shall be transferred to the new place of employment and  
73 31 credited to the employee. Employees who are subject to  
73 32 contracts negotiated under chapter 20 which include transfer  
73 33 provisions shall be governed by the contract provisions.

73 34 12. For reinstatement of persons who have attained  
73 35 permanent status and who resign in good standing or who are  
74 1 laid off from their positions without fault or delinquency on  
74 2 their part.

74 3 13. For establishing in cooperation with the appointing  
74 4 authorities a performance management system for all employees  
74 5 in the executive branch, excluding employees of the state  
74 6 board of regents, which shall be considered in determining  
74 7 salary increases; as a factor in promotions; as a factor in  
74 8 determining the order of layoffs and in reinstatement; as a  
74 9 factor in demotions, discharges, and transfers; and for the  
74 10 regular evaluation, at least annually, of the qualifications  
74 11 and performance of those employees.

74 12 14. For layoffs by reason of lack of funds or work, or  
74 13 reorganization, and for the recall of employees so laid off,  
74 14 giving consideration in layoffs to the employee's performance  
74 15 record and length of service. An employee who has been laid  
74 16 off may be on a recall list for one year, which list shall be  
74 17 exhausted by the organizational unit enforcing the layoff  
74 18 before selection of an employee may be made from the  
74 19 promotional or nonpromotional list in the employee's  
74 20 classification. Employees who are subject to contracts  
74 21 negotiated under chapter 20 which include layoff and recall  
74 22 provisions shall be governed by the contract provisions.

74 23 15. For imposition, as a disciplinary measure, of a  
74 24 suspension from service without pay.

74 25 16. For discharge, suspension, or reduction in job  
74 26 classification or pay grade for any of the following causes:  
74 27 failure to perform assigned duties; inadequacy in performing  
74 28 assigned duties; negligence; inefficiency; incompetence;  
74 29 insubordination; unrehabilitated alcoholism or narcotics  
74 30 addiction; dishonesty; unlawful discrimination; failure to  
74 31 maintain a license, certificate, or qualification necessary



74 32 for a job classification or position; any act or conduct which  
74 33 adversely affects the employee's performance or the employing  
74 34 agency; or any other good cause for discharge, suspension, or  
74 35 reduction. The person discharged, suspended, or reduced shall  
75 1 be given a written statement of the reasons for the discharge,  
75 2 suspension, or reduction within twenty-four hours after the  
75 3 discharge, suspension, or reduction. All persons concerned  
75 4 with the administration of this article shall use their best  
75 5 efforts to ensure that this article and the rules adopted  
75 6 pursuant to this article shall not be a means of protecting or  
75 7 retaining unqualified or unsatisfactory employees, and shall  
75 8 discharge, suspend, or reduce in job classification or pay  
75 9 grade all employees who should be discharged, suspended, or  
75 10 reduced for any of the causes stated in this subsection.

75 11 17. For establishment of a uniform plan for resolving  
75 12 employee grievances and complaints. Employees who are subject  
75 13 to contracts negotiated under chapter 20 which include  
75 14 grievance and complaint provisions shall be governed by the  
75 15 contract provisions.

75 16 18. For attendance regulations, and special leaves of  
75 17 absence, with or without pay, or reduced pay, in the various  
75 18 classes of positions in the executive branch, excluding  
75 19 positions under the state board of regents. Employees who are  
75 20 subject to contracts negotiated under chapter 20 which include  
75 21 leave of absence provisions shall be governed by the contract  
75 22 provisions. Annual sick leave and vacation time shall be  
75 23 granted in accordance with section 70A.1.

75 24 19. For the development and operation of programs to  
75 25 improve the work effectiveness and morale of employees in the  
75 26 executive branch, excluding employees of the state board of  
75 27 regents, including training, safety, health, welfare,  
75 28 counseling, recreation, and employee relations.

75 29 20. Notwithstanding any provisions to the contrary, a rule  
75 30 or regulation shall not be adopted by the department which  
75 31 would deprive the state of Iowa, or any of its agencies or  
75 32 institutions, of federal grants or other forms of financial  
75 33 assistance.

75 34 21. For veterans preference through a provision that  
75 35 veterans, as defined in section 35.1, shall have five points  
76 1 added to the grade or score attained in qualifying  
76 2 examinations for appointment to jobs.

76 3 Veterans who have a service-connected disability or are  
76 4 receiving compensation, disability benefits, or pension under  
76 5 laws administered by the veterans administration shall have  
76 6 ten points added to the grades attained in qualifying  
76 7 examinations. A veteran who has been awarded the purple heart  
76 8 for disabilities incurred in action shall be considered to  
76 9 have a service-connected disability.

76 10 22. For acceptance of the qualifications, requirements,  
76 11 regulations, and general provisions established under other  
76 12 sections of the Code pertaining to professional registration,  
76 13 certification, and licensing.

76 14 Sec. 62. NEW SECTION. 8A.414 EXPERIMENTAL RESEARCH  
76 15 PROJECTS.

76 16 The director may conduct experimental or research  
76 17 personnel-related projects of limited duration designed to  
76 18 improve the quality of the employment system. The provisions  
76 19 of section 8A.413 or administrative rules adopted pursuant to  
76 20 that section are waived for the purposes of such projects.  
76 21 Projects adopted under this authority shall not violate  
76 22 existing collective bargaining agreements. Any projects that  
76 23 relate to issues covered by such agreements or issues that are  
76 24 mandatory subjects of collective bargaining are subject to  
76 25 negotiations as applicable. The director shall notify the  
76 26 chairpersons of the standing committees on appropriations of  
76 27 the senate and the house of representatives and the  
76 28 chairpersons of the appropriate subcommittees of those  
76 29 committees of the proposed projects. The notice from the  
76 30 director shall include the purpose of the project, a  
76 31 description of the project, and how the project will be  
76 32 evaluated. Chairpersons notified shall be given at least two  
76 33 weeks to review and comment on the proposal before the project  
76 34 is implemented. The director shall report the results of the  
76 35 experimental research projects conducted in the preceding  
77 1 fiscal year to the legislative council by September 30 of each  
77 2 year.

77 3 Sec. 63. NEW SECTION. 8A.415 GRIEVANCES AND DISCIPLINE  
77 4 RESOLUTION.

77 5 1. GRIEVANCES. An employee, except an employee covered by  
77 6 a collective bargaining agreement which provides otherwise,  
77 7 who has exhausted the available agency steps in the uniform

77 8 grievance procedure provided for in the department rules may,  
77 9 within seven calendar days following the date a decision was  
77 10 received or should have been received at the second step of  
77 11 the grievance procedure, file the grievance at the third step  
77 12 with the director. The director shall respond within thirty  
77 13 calendar days following receipt of the third step grievance.  
77 14 If not satisfied, the employee may, within thirty calendar  
77 15 days following the director's response, file an appeal with  
77 16 the public employment relations board. The hearing shall be  
77 17 conducted in accordance with the rules of the public  
77 18 employment relations board and the Iowa administrative  
77 19 procedure Act, chapter 17A. Decisions rendered shall be based  
77 20 upon a standard of substantial compliance with this article  
77 21 and the rules of the department. Decisions by the public  
77 22 employment relations board constitute final agency action.  
77 23 For purposes of this subsection, "uniform grievance  
77 24 procedure" does not include procedures for discipline and  
77 25 discharge.

77 26 2. DISCIPLINE RESOLUTION. A merit system employee, except  
77 27 an employee covered by a collective bargaining agreement, who  
77 28 is discharged, suspended, demoted, or otherwise reduced in  
77 29 pay, except during the employee's probationary period, may  
77 30 bypass steps one and two of the grievance procedure and appeal  
77 31 the disciplinary action to the director within seven calendar  
77 32 days following the effective date of the action. The director  
77 33 shall respond within thirty calendar days following receipt of  
77 34 the appeal.

77 35 If not satisfied, the employee may, within thirty calendar  
78 1 days following the director's response, file an appeal with  
78 2 the public employment relations board. The employee has the  
78 3 right to a hearing closed to the public, unless a public  
78 4 hearing is requested by the employee. The hearing shall  
78 5 otherwise be conducted in accordance with the rules of the  
78 6 public employment relations board and the Iowa administrative  
78 7 procedure Act, chapter 17A. If the public employment  
78 8 relations board finds that the action taken by the appointing  
78 9 authority was for political, religious, racial, national  
78 10 origin, sex, age, or other reasons not constituting just  
78 11 cause, the employee may be reinstated without loss of pay or  
78 12 benefits for the elapsed period, or the public employment  
78 13 relations board may provide other appropriate remedies.  
78 14 Decisions by the public employment relations board constitute  
78 15 final agency action.

78 16 Sec. 64. NEW SECTION. 8A.416 DISCRIMINATION, POLITICAL  
78 17 ACTIVITY, USE OF OFFICIAL INFLUENCE PROHIBITED.

78 18 1. A person shall not be appointed or promoted to, or  
78 19 demoted or discharged from, any position in the merit system,  
78 20 or in any way favored or discriminated against with respect to  
78 21 employment in the merit system because of the person's  
78 22 political or religious opinions or affiliations or race or  
78 23 national origin or sex, or age.

78 24 2. A person holding a position in the classified service  
78 25 shall not, during the person's working hours or when  
78 26 performing the person's duties or when using state equipment  
78 27 or at any time on state property, take part in any way in  
78 28 soliciting any contribution for any political party or any  
78 29 person seeking political office, and such employee shall not  
78 30 engage in any political activity that will impair the  
78 31 employee's efficiency during working hours or cause the  
78 32 employee to be tardy or absent from work. This section does  
78 33 not preclude any employee from holding any office for which no  
78 34 pay is received or any office for which only token pay is  
78 35 received.

79 1 3. A person shall not seek or attempt to use any political  
79 2 endorsement in connection with any appointment to a position  
79 3 in the merit system.

79 4 4. A person shall not use or promise to use, directly or  
79 5 indirectly, any official authority or influence, whether  
79 6 possessed or anticipated, to secure or attempt to secure for  
79 7 any person an appointment or advantage in appointment to a  
79 8 position in the merit system, or an increase in pay or other  
79 9 advantage in employment in any such position, for the purpose  
79 10 of influencing the vote or political action of any person or  
79 11 for any consideration.

79 12 5. An employee shall not use the employee's official  
79 13 authority or influence for the purpose of interfering with an  
79 14 election or affecting the results thereof.

79 15 6. Any officer or employee who violates this section shall  
79 16 be subject to suspension, dismissal, or demotion subject to  
79 17 the right of appeal provided in this article.

79 18 7. The director shall adopt any rules necessary for

79 19 further restricting political activities of employees in the  
79 20 executive branch, but only to the extent necessary to comply  
79 21 with federal standards. Employees retain the right to vote as  
79 22 they please and to express their opinions on all subjects.  
79 23 Sec. 65. NEW SECTION. 8A.417 PROHIBITED ACTIONS.  
79 24 1. A person shall not make any false statement,  
79 25 certificate, mark, rating, or report with regard to any  
79 26 examination or appointment made under this article or in any  
79 27 manner commit or attempt to commit any fraud preventing the  
79 28 impartial execution of this article and the rules adopted  
79 29 pursuant to this article.  
79 30 2. A person shall not, directly or indirectly, give,  
79 31 render, pay, offer, solicit, or accept any money, service, or  
79 32 other valuable consideration for or on account of any  
79 33 appointment, proposed appointment, promotion, or proposed  
79 34 promotion to, or any advantage in, a position in the merit  
79 35 system.  
80 1 3. An employee of the department or any other person shall  
80 2 not defeat, deceive, or obstruct any person in the person's  
80 3 right to examination or appointment under this article, or  
80 4 furnish to any person any special or secret information for  
80 5 the purpose of affecting the rights or prospects of any person  
80 6 with respect to employment in the merit system.  
80 7 4. A person shall not discharge an employee from or take  
80 8 or fail to take action regarding an employee's appointment or  
80 9 proposed appointment to, promotion or proposed promotion to,  
80 10 or any advantage in, a position in a merit system administered  
80 11 by, or subject to approval of, the director as a reprisal for  
80 12 a failure by that employee to inform the person that the  
80 13 employee made a disclosure of information permitted by this  
80 14 section, or for a disclosure of any information by that  
80 15 employee to a member or employee of the general assembly, or  
80 16 for a disclosure of information to any other public official  
80 17 or law enforcement agency if the employee reasonably believes  
80 18 the information evidences a violation of law or rule,  
80 19 mismanagement, a gross abuse of funds, an abuse of authority,  
80 20 or a substantial and specific danger to public health or  
80 21 safety. However, an employee may be required to inform the  
80 22 person that the employee made a disclosure of information  
80 23 permitted by this section if the employee represented that the  
80 24 disclosure was the official position of the employee's  
80 25 immediate supervisor or employer. This subsection does not  
80 26 apply if the disclosure of the information is prohibited by  
80 27 statute.  
80 28 Sec. 66. NEW SECTION. 8A.418 FEDERAL PROGRAMS EXEMPTION  
80 29 EXCEPTIONS == PENALTY.  
80 30 1. Notwithstanding the provisions of this article to the  
80 31 contrary, a person employed under a temporary, emergency  
80 32 employment utilization program funded by the federal  
80 33 government which program does not exceed one year and which  
80 34 program is not subject to merit system standards by federal  
80 35 law, shall be exempt from this article except as provided in  
81 1 this section.  
81 2 2. A person employed as provided in this section shall be  
81 3 subject to the provisions of section 8A.416 relating to  
81 4 political activity and the civil penalties contained in such  
81 5 section and, consistent with subsection 1, the provisions of  
81 6 section 8A.417 relating to prohibited actions.  
81 7 3. A person violating this section shall be subject to the  
81 8 penalty provided for in section 8A.458.  
81 9 EMPLOYEE BENEFITS  
81 10 Sec. 67. NEW SECTION. 8A.431 IOWA MANAGEMENT TRAINING  
81 11 SYSTEM == TRAINING REVOLVING FUND.  
81 12 1. The department shall establish and administer an Iowa  
81 13 management training system for the state.  
81 14 2. A training revolving fund is created in the state  
81 15 treasury under the control of the department. The moneys  
81 16 credited to the fund shall be used for the purpose of paying  
81 17 actual and necessary expenses incurred by the department in  
81 18 administering the training system. All fees, grants, or  
81 19 specific appropriations for this purpose shall be credited to  
81 20 the fund. The fees for the training system courses shall be  
81 21 set by the director to cover the costs of course development,  
81 22 training materials, facilities and equipment, professional  
81 23 instructors, and administration. The fees shall be paid to  
81 24 the department by the state agency sending the employees for  
81 25 training and the payment shall be credited to the training  
81 26 revolving fund. Notwithstanding section 8.33, moneys in the  
81 27 revolving fund shall not revert. Notwithstanding section  
81 28 12C.7, subsection 2, interest or earnings on moneys deposited  
81 29 in the fund shall be credited to the fund.

81 30 Sec. 68. NEW SECTION. 8A.432 COMBINED CHARITABLE  
81 31 CAMPAIGN PROGRAM, FEES, REVOLVING FUND.  
81 32 1. The department shall establish and administer a  
81 33 combined charitable campaign program for state employees.  
81 34 2. A combined charitable campaign revolving fund is  
81 35 created in the state treasury under the control of the  
82 1 department. The moneys credited to the fund shall be used for  
82 2 the purpose of paying actual and necessary expenses incurred  
82 3 by the department in administering the program.  
82 4 Administrative expenses shall not exceed five percent of the  
82 5 contributions pledged the previous year. All fees, grants, or  
82 6 specific appropriations for this purpose shall be credited to  
82 7 the fund. The fees for the program shall be set by the  
82 8 director to cover only the cost of administration and  
82 9 materials and shall not cover salaries of state employees  
82 10 involved in the administration of the program. The fees shall  
82 11 be paid to the department from the voluntary employee  
82 12 contributions and the payment shall be credited to the  
82 13 revolving fund. Notwithstanding section 8.33, any moneys in  
82 14 the fund shall not revert. Notwithstanding section 12C.7,  
82 15 subsection 2, interest or earnings on moneys deposited in the  
82 16 fund shall be credited to the fund.  
82 17 Sec. 69. NEW SECTION. 8A.433 DEFERRED COMPENSATION PLAN.  
82 18 The department shall make available to eligible state  
82 19 employees the option of utilizing mutual funds as an  
82 20 investment alternative to the state's deferred compensation  
82 21 plan established under section 509A.12. Participating  
82 22 employees shall, to the extent permitted by law, be allowed to  
82 23 transfer moneys deferred under the plan to a mutual fund  
82 24 offered pursuant to section 509A.12. The department may make  
82 25 the deferred compensation plan established pursuant to this  
82 26 section available to governmental employees of a public entity  
82 27 authorized to establish a deferred compensation program  
82 28 pursuant to section 509A.12.  
82 29 Sec. 70. NEW SECTION. 8A.434 IOWA STATE EMPLOYEE  
82 30 DEFERRED COMPENSATION TRUST FUND.  
82 31 1. A separate, special Iowa state employee deferred  
82 32 compensation trust fund is created in the state treasury under  
82 33 the control of the department. The fund shall consist of all  
82 34 moneys deposited in the fund pursuant to this section, any  
82 35 other assets that must be held in trust for the exclusive  
83 1 benefit of participants in the state's deferred compensation  
83 2 program as required by section 457 of the federal Internal  
83 3 Revenue Code, and interest and earnings thereon, and shall be  
83 4 used for the exclusive benefit of participants in a deferred  
83 5 compensation program established by the state under section  
83 6 509A.12.  
83 7 2. The director is the trustee of the fund and shall  
83 8 administer the fund. Any loss to the fund shall be charged  
83 9 against the fund and the director shall not be personally  
83 10 liable for such loss. In addition, the director is the  
83 11 trustee of any trusts referenced in section 457(g) of the  
83 12 federal Internal Revenue Code. Any loss to the trusts shall  
83 13 be charged against the trusts and the director shall not be  
83 14 personally liable for such loss.  
83 15 3. Any compensation or portion of compensation reduced by  
83 16 a participant in conjunction with a deferred compensation  
83 17 program established by the state under section 509A.12 and any  
83 18 earnings or income thereon shall be held in trust and used for  
83 19 the exclusive benefit of the participant or the participant's  
83 20 beneficiary as provided by section 457 of the federal Internal  
83 21 Revenue Code.  
83 22 4. For purposes of this section, custodial accounts,  
83 23 annuity contracts, and any other contracts referenced in  
83 24 section 457(g) of the federal Internal Revenue Code shall be  
83 25 treated as trusts for purposes of section 457 of the federal  
83 26 Internal Revenue Code.  
83 27 5. Moneys in the fund are not subject to section 8.33.  
83 28 Notwithstanding section 12C.7, subsection 2, interest or  
83 29 earnings on moneys in the fund shall be credited to the fund.  
83 30 Sec. 71. NEW SECTION. 8A.435 STATE EMPLOYEE DEFERRED  
83 31 COMPENSATION MATCH TRUST FUND.  
83 32 1. A separate, special Iowa state employee deferred  
83 33 compensation match trust fund is created in the state treasury  
83 34 under the control of the department. The trust fund shall  
83 35 consist of all moneys deposited in the fund, and other assets  
84 1 that must be held in trust for the exclusive benefit of  
84 2 participants in the state's deferred compensation match  
84 3 program as required by section 401(a) of the federal Internal  
84 4 Revenue Code, and interest and earnings thereon, and shall be  
84 5 used for the exclusive benefit of participants and their

84 6 beneficiaries in a deferred compensation match program  
84 7 established by the state under section 509A.12.

84 8 2. The director is the trustee of the fund and shall  
84 9 administer the fund. Any loss to the fund shall be charged  
84 10 against the trust and the director shall not be personally  
84 11 liable for such loss.

84 12 3. Moneys in the fund are not subject to section 8.33.  
84 13 Notwithstanding section 12C.7, subsection 2, interest or  
84 14 earnings on moneys in the fund shall be credited to the fund.  
84 15 Sec. 72. NEW SECTION. 8A.436 STATE EMPLOYEE DEPENDENT  
84 16 CARE SPENDING ACCOUNT TRUST FUND.

84 17 1. A separate, special Iowa state employee dependent care  
84 18 spending account trust fund is created in the state treasury  
84 19 under the control of the department. The trust fund consists  
84 20 of all moneys, including monthly administrative charges paid  
84 21 by a state department or agency as authorized by section  
84 22 8A.451, held in trust for the exclusive benefit of  
84 23 participants in the state's dependent care spending account  
84 24 plan. Moneys in the fund are not subject to section 8.33.  
84 25 Notwithstanding section 12C.7, interest and earnings from  
84 26 moneys in the trust fund shall be credited to the trust fund  
84 27 and shall be used exclusively for the benefit of plan  
84 28 participants.

84 29 2. The director shall serve as trustee of the trust fund  
84 30 and shall administer the fund as required by sections 125 and  
84 31 129 of the federal Internal Revenue Code. Any loss to the  
84 32 fund shall be charged against the fund and the director shall  
84 33 not be personally liable for such loss. The director has the  
84 34 authority to direct expenditures as deemed appropriate to the  
84 35 exclusive benefit of the plan participants.

85 1 Sec. 73. NEW SECTION. 8A.437 STATE EMPLOYEE HEALTH  
85 2 FLEXIBLE SPENDING ACCOUNT TRUST FUND.

85 3 1. The director shall establish for state employees a  
85 4 health flexible spending account plan which offers multiple  
85 5 benefits to state employees. The state's health flexible  
85 6 spending account plan shall be established to meet the  
85 7 conditions of section 125 of the Internal Revenue Code of  
85 8 1986.

85 9 2. A separate, special Iowa state employee health flexible  
85 10 spending account trust fund is created in the state treasury  
85 11 under the control of the department. The trust fund consists  
85 12 of all moneys appropriated to the fund, all monthly  
85 13 administrative charges paid by a state department or agency as  
85 14 authorized by section 8A.451, and any other assets directed to  
85 15 be held in trust for the exclusive benefit of participants in  
85 16 the state's health flexible spending account plan. Moneys in  
85 17 the fund are not subject to section 8.33. Notwithstanding  
85 18 section 12C.7, interest and earnings from moneys in the trust  
85 19 fund shall be credited to the trust fund and shall be used  
85 20 exclusively for the benefit of plan participants.

85 21 3. The director shall serve as trustee of the trust fund  
85 22 and has the authority to direct expenditures as deemed  
85 23 appropriate to the exclusive benefit of the plan participants.

85 24 Sec. 74. NEW SECTION. 8A.438 ANNUITY CONTRACTS.

85 25 1. At the request of an employee of a state agency through  
85 26 contractual agreement, the director may arrange for the  
85 27 purchase of group or individual annuity contracts for any of  
85 28 the employees of that agency, which annuity contracts are  
85 29 issued by a nonprofit corporation issuing retirement annuities  
85 30 exclusively for educational institutions and their employees  
85 31 or are purchased from any company the employee chooses that is  
85 32 authorized to do business in this state or through an Iowa=  
85 33 licensed salesperson that the employee selects, on a group or  
85 34 individual basis, for retirement or other purposes, and may  
85 35 make payroll deductions in accordance with the arrangements  
86 1 for the purpose of paying the entire premium due and to become  
86 2 due under the contract. The deductions shall be made in the  
86 3 manner which will qualify the annuity premiums for the  
86 4 benefits afforded under section 403(b) of the Internal Revenue  
86 5 Code, as defined in section 422.3. The employee's rights  
86 6 under the annuity contract are nonforfeitable except for the  
86 7 failure to pay premiums. As used in this section, unless the  
86 8 context otherwise requires, "annuity contract" includes any  
86 9 custodial account which meets the requirements of section  
86 10 403(b)(7) of the Internal Revenue Code, as defined in section  
86 11 422.3.

86 12 2. Whenever an existing tax=sheltered annuity contract is  
86 13 to be replaced by a new contract, the agent or representative  
86 14 of the company shall send a letter of intent by registered  
86 15 mail at least thirty days prior to any action to the company  
86 16 being replaced, to the commissioner of insurance of this

86 17 state, to the agent's own company, and to the director. The  
86 18 letter of intent shall contain the policy number and  
86 19 description of the contract being replaced and a description  
86 20 of the replacement contract.

86 21 Sec. 75. NEW SECTION. 8A.439 LONGEVITY PAY PROHIBITED ==  
86 22 EXCEPTION.

86 23 A state employee subject to the provisions of this article  
86 24 shall not be entitled to longevity pay except for those  
86 25 employees granted longevity pay pursuant to section 307.48.

86 26 STATE HUMAN RESOURCE MANAGEMENT OPERATIONS  
86 27 MISCELLANEOUS PROVISIONS

86 28 Sec. 76. NEW SECTION. 8A.451 HUMAN RESOURCES  
86 29 ADMINISTRATIVE COSTS.

86 30 1. The department may quarterly render a statement to each  
86 31 department or agency which operates in whole or in part from  
86 32 other than general fund appropriations for a pro rata share of  
86 33 the cost of administration of the department, or a portion  
86 34 thereof, as it relates to the state human resources management  
86 35 duties of the department pursuant to this article. The  
87 1 expense shall be paid by the state department or agency in the  
87 2 same manner as other expenses of that department or agency are  
87 3 paid and all moneys received shall be deposited in the general  
87 4 fund of the state.

87 5 2. The department shall render monthly a statement to each  
87 6 state department or agency for a pro rata share of the cost of  
87 7 administration of the state employee flexible spending  
87 8 accounts. The expense shall be paid by the state department  
87 9 or agency in the same manner as other expenses of that state  
87 10 department or agency are paid and all moneys received for  
87 11 administration costs shall be deposited in the appropriate  
87 12 fund.

87 13 Sec. 77. NEW SECTION. 8A.452 USE OF PUBLIC BUILDINGS.

87 14 All officers and employees of the state and of political  
87 15 subdivisions of the state shall allow the department the  
87 16 reasonable use of public buildings under their control, and  
87 17 furnish heat, light, and furniture for any examination,  
87 18 hearing, or investigation authorized by this article. The  
87 19 department shall pay to a political subdivision the reasonable  
87 20 cost of any such facilities furnished.

87 21 Sec. 78. NEW SECTION. 8A.453 AID BY STATE EMPLOYEES ==  
87 22 RECORDS AND INFORMATION.

87 23 1. All officers and employees of the state shall comply  
87 24 with and aid in all proper ways in carrying out the provisions  
87 25 of this article and the rules and orders under this article.  
87 26 All officers and employees shall furnish any records or  
87 27 information which the director requires for any purpose of  
87 28 this article. The director may institute and maintain any  
87 29 action or proceeding at law or in equity that the director  
87 30 considers necessary or appropriate to secure compliance with  
87 31 this article and the rules and orders under this article.

87 32 2. The director may delegate to a person in any  
87 33 department, agency, board, commission, or office, located away  
87 34 from the seat of government, any of the duties imposed by this  
87 35 article upon the director.

88 1 Sec. 79. NEW SECTION. 8A.454 HEALTH INSURANCE  
88 2 ADMINISTRATION FUND.

88 3 1. A separate, special Iowa state health insurance  
88 4 administration fund is created in the state treasury under the  
88 5 control of the department. The fund shall consist of all  
88 6 moneys deposited in the fund from proceeds of a monthly per  
88 7 contract administrative charge assessed and collected by the  
88 8 department. Moneys deposited in the fund shall be expended by  
88 9 the department for health insurance program administration  
88 10 costs. Notwithstanding section 12C.7, subsection 2, interest  
88 11 or earnings on moneys deposited in the fund shall be credited  
88 12 to the fund.

88 13 2. A monthly per contract administrative charge shall be  
88 14 assessed by the department on all health insurance plans  
88 15 administered by the department in which the contract holder  
88 16 has a state employer to pay the charge. The amount of the  
88 17 administrative charge shall be established by the general  
88 18 assembly. The department shall collect the administrative  
88 19 charge from each department utilizing the centralized payroll  
88 20 system and shall deposit the proceeds in the fund. In  
88 21 addition, the state board of regents, all library service  
88 22 areas, the state fair board, the state department of  
88 23 transportation, and each judicial district department of  
88 24 correctional services shall remit the administrative charge on  
88 25 a monthly basis to the department and shall submit a report to  
88 26 the department containing the number and type of health  
88 27 insurance contracts held by each of its employees whose health

88 28 insurance is administered by the department.  
88 29 3. The expenditure of moneys from the fund in any fiscal  
88 30 year shall not exceed the amount of the monthly charge  
88 31 established by the general assembly multiplied by the number  
88 32 of health insurance contracts in effect at the beginning of  
88 33 the same fiscal year in which the expenditures shall be made.  
88 34 Any unencumbered or unobligated moneys in the fund at the end  
88 35 of the fiscal year shall not revert but shall be transferred  
89 1 to the health insurance premium reserve fund established  
89 2 pursuant to section 509A.5.  
89 3 4. This section is repealed July 1, 2007.  
89 4 Sec. 80. NEW SECTION. 8A.455 CERTIFICATION OF PAYROLLS  
89 5 == ACTIONS.  
89 6 1. A state disbursing or auditing officer shall not make  
89 7 or approve or take part in making or approving a payment for  
89 8 personnel services to any person unless the payroll voucher or  
89 9 account of the pay bears the certification of the director, or  
89 10 of the director's authorized agent, that the persons named  
89 11 have been appointed and employed in accordance with this  
89 12 article and the rules and orders under this article, and that  
89 13 funds are available for the payment of the persons.  
89 14 2. The director may, for proper cause, withhold  
89 15 certification from an entire payroll or from any specific item  
89 16 or items on a payroll. The director may, however, provide  
89 17 that certification of payrolls may be made once every year,  
89 18 and such certification shall remain in effect except in the  
89 19 case of any officer or employee whose status has changed after  
89 20 the last certification of the officer's or employee's payroll.  
89 21 In the latter case a voucher for payment of salary to such  
89 22 employee shall not be issued or payment of salary shall not be  
89 23 made without further certification by the director.  
89 24 3. Any citizen may maintain an action in accordance with  
89 25 chapter 17A to restrain a disbursing officer from making any  
89 26 payment in contravention of this article, or rule or order  
89 27 under this article. Any sum paid contrary to this article or  
89 28 any rule or order under this article may be recovered in an  
89 29 action in accordance with chapter 17A maintained by any  
89 30 citizen, from any officer who made, approved, or authorized  
89 31 such payment or who signed or countersigned a voucher,  
89 32 payroll, check, or warrant for such payment, or from the  
89 33 sureties on the official bond of any such officer. All moneys  
89 34 recovered in any such action shall be paid into the state  
89 35 treasury.  
90 1 4. Any person appointed or employed in contravention of  
90 2 this article or of any rule or order under this article who  
90 3 performs service for which the person is not paid may maintain  
90 4 an action in accordance with chapter 17A against the officer  
90 5 or officers who purported so to appoint or employ the person  
90 6 to recover the agreed pay for such services or the reasonable  
90 7 value of the services if no pay was agreed upon. An officer  
90 8 shall not be reimbursed by the state at any time for any sum  
90 9 paid to such person on account of such services.  
90 10 5. If the director wrongfully withholds certification of  
90 11 the payroll voucher or account of any employee, such employee  
90 12 may maintain a proceeding in accordance with chapter 17A in  
90 13 the courts to compel the director to certify such a payroll  
90 14 voucher or account.  
90 15 Sec. 81. NEW SECTION. 8A.456 ACCESS TO RECORDS.  
90 16 1. An employee subject to the provisions of this article  
90 17 shall have access to the employee's personal file.  
90 18 2. An applicant for a position subject to the provisions  
90 19 of this article shall be permitted to review, in accordance  
90 20 with such rules as the director may prescribe, any evaluation  
90 21 resulting from the application for employment.  
90 22 Sec. 82. NEW SECTION. 8A.457 WORKERS' COMPENSATION  
90 23 CLAIMS.  
90 24 The director shall employ appropriate staff to handle and  
90 25 adjust claims of state employees for workers' compensation  
90 26 benefits pursuant to chapters 85, 85A, 85B, and 86, or with  
90 27 the approval of the executive council contract for the  
90 28 services or purchase workers' compensation insurance coverage  
90 29 for state employees or selected groups of state employees. A  
90 30 state employee workers' compensation fund is created in the  
90 31 state treasury under the control of the department to pay  
90 32 state employee workers' compensation claims and administrative  
90 33 costs. The department shall establish a rating formula and  
90 34 assess premiums to all agencies, departments, and divisions of  
90 35 the state including those which have not received an  
91 1 appropriation for the payment of workers' compensation  
91 2 insurance and which operate from moneys other than from the  
91 3 general fund of the state. The department shall collect the

91 4 premiums and deposit them into the state employee workers'  
91 5 compensation fund. Notwithstanding section 8.33, moneys  
91 6 deposited in the state employee workers' compensation fund  
91 7 shall not revert to the general fund of the state at the end  
91 8 of any fiscal year, but shall remain in the state employee  
91 9 workers' compensation fund and be continuously available to  
91 10 pay state employee workers' compensation claims. The director  
91 11 may, to the extent practicable, contract with a private  
91 12 organization to handle the processing and payment of claims  
91 13 and services rendered under the provisions of this section.

91 14 Sec. 83. NEW SECTION. 8A.458 PENALTY.

91 15 A person who willfully violates this article or any rules  
91 16 adopted pursuant to this article, where no other penalty is  
91 17 prescribed, is guilty of a simple misdemeanor.

91 18 ARTICLE 5

91 19 FINANCIAL ADMINISTRATION

91 20 Sec. 84. NEW SECTION. 8A.502 FINANCIAL ADMINISTRATION  
91 21 DUTIES.

91 22 The department shall provide for the efficient management  
91 23 and administration of the financial resources of state  
91 24 government and shall have and assume the following powers and  
91 25 duties:

91 26 1. CENTRALIZED ACCOUNTING SYSTEM. To assume the  
91 27 responsibilities related to a centralized accounting system  
91 28 for state government.

91 29 2. SETOFF PROCEDURES. To establish and maintain a setoff  
91 30 procedure as provided in section 8A.504.

91 31 3. COST ALLOCATION SYSTEM. To establish a cost allocation  
91 32 system as provided in section 8A.505.

91 33 4. COLLECTION AND PAYMENT OF FUNDS == MONTHLY PAYMENTS.

91 34 To control the payment of all moneys into the state treasury,  
91 35 and all payments from the state treasury by the preparation of  
92 1 appropriate warrants, or warrant checks, directing such  
92 2 collections and payment, and to advise the treasurer of state  
92 3 monthly in writing of the amount of public funds not currently  
92 4 needed for operating expenses. Whenever the state treasury  
92 5 includes state funds that require distribution to counties,  
92 6 cities, or other political subdivisions of this state, and the  
92 7 counties, cities, and other political subdivisions certify to  
92 8 the director that warrants will be stamped for lack of funds  
92 9 within the thirty-day period following certification, the  
92 10 director may partially distribute the funds on a monthly  
92 11 basis. Whenever the law requires that any funds be paid by a  
92 12 specific date, the director shall prepare a final accounting  
92 13 and shall make a final distribution of any remaining funds  
92 14 prior to that date.

92 15 5. PREAUDIT SYSTEM. To establish and fix a reasonable  
92 16 imprest cash fund for each state department and institution  
92 17 for disbursement purposes where needed. These revolving funds  
92 18 shall be reimbursed only upon vouchers approved by the  
92 19 director. It is the purpose of this subsection to establish a  
92 20 preaudit system of settling all claims against the state, but  
92 21 the preaudit system is not applicable to any of the following:

92 22 a. Institutions under the control of the state board of  
92 23 regents.

92 24 b. The state fair board as established in chapter 173.

92 25 c. The Iowa dairy industry commission as established in  
92 26 chapter 179, the Iowa beef cattle producers association as  
92 27 established in chapter 181, the Iowa pork producers council as  
92 28 established in chapter 183A, the Iowa egg council as  
92 29 established in chapter 184, the Iowa turkey marketing council  
92 30 as established in chapter 184A, the Iowa soybean promotion  
92 31 board as established in chapter 185, and the Iowa corn  
92 32 promotion board as established in chapter 185C.

92 33 6. AUDIT OF CLAIMS. To set rules and procedures for the  
92 34 preaudit of claims by individual agencies or organizations.  
92 35 The director reserves the right to refuse to accept incomplete  
93 1 or incorrect claims and to review, preaudit, or audit claims  
93 2 as determined by the director.

93 3 7. CONTRACTS. To certify, record, and encumber all formal  
93 4 contracts to prevent overcommitment of appropriations and  
93 5 allotments.

93 6 8. ACCOUNTS. To keep the central budget and proprietary  
93 7 control accounts of the general fund of the state and special  
93 8 funds, as defined in section 8.2, of the state government.  
93 9 Upon elimination of the state deficit under generally accepted  
93 10 accounting principles, including the payment of items budgeted  
93 11 in a subsequent fiscal year which under generally accepted  
93 12 accounting principles should be budgeted in the current fiscal  
93 13 year, the recognition of revenues received and expenditures  
93 14 paid and transfers received and paid within the time period



93 15 required pursuant to section 8.33 shall be in accordance with  
93 16 generally accepted accounting principles. Budget accounts are  
93 17 those accounts maintained to control the receipt and  
93 18 disposition of all funds, appropriations, and allotments.  
93 19 Proprietary accounts are those accounts relating to assets,  
93 20 liabilities, income, and expense. For each fiscal year, the  
93 21 financial position and results of operations of the state  
93 22 shall be reported in a comprehensive annual financial report  
93 23 prepared in accordance with generally accepted accounting  
93 24 principles, as established by the governmental accounting  
93 25 standards board.

93 26 9. FAIR BOARD AND BOARD OF REGENTS. To control the  
93 27 financial operations of the state fair board and the  
93 28 institutions under the state board of regents:

93 29 a. By charging all warrants issued to the respective  
93 30 educational institutions and the state fair board to an  
93 31 advance account to be further accounted for and not as an  
93 32 expense which requires no further accounting.

93 33 b. By charging all collections made by the educational  
93 34 institutions and state fair board to the respective advance  
93 35 accounts of the institutions and state fair board, and by  
94 1 crediting all such repayment collections to the respective  
94 2 appropriations and special funds.

94 3 c. By charging all disbursements made to the respective  
94 4 allotment accounts of each educational institution or state  
94 5 fair board and by crediting all such disbursements to the  
94 6 respective advance and inventory accounts.

94 7 d. By requiring a monthly abstract of all receipts and of  
94 8 all disbursements, both money and stores, and a complete  
94 9 account current each month from each educational institution  
94 10 and the state fair board.

94 11 10. ENTITIES REPRESENTING AGRICULTURAL PRODUCERS. To  
94 12 control the financial operations of the Iowa dairy industry  
94 13 commission as provided in chapter 179, the Iowa beef cattle  
94 14 producers association as provided in chapter 181, the Iowa  
94 15 pork producers council as provided in chapter 183A, the Iowa  
94 16 egg council as provided in chapter 184, the Iowa turkey  
94 17 marketing council as provided in chapter 184A, the Iowa  
94 18 soybean promotion board as provided in chapter 185, and the  
94 19 Iowa corn promotion board as provided in chapter 185C.

94 20 11. CUSTODY OF RECORDS. To have the custody of all books,  
94 21 papers, records, documents, vouchers, conveyances, leases,  
94 22 mortgages, bonds, and other securities appertaining to the  
94 23 fiscal affairs and property of the state, which are not  
94 24 required to be kept in some other office.

94 25 12. INTEREST OF THE PERMANENT SCHOOL FUND. To transfer  
94 26 the interest of the permanent school fund to the credit of the  
94 27 interest for Iowa schools fund.

94 28 13. FORMS. To prescribe all accounting and business forms  
94 29 and the system of accounts and reports of financial  
94 30 transactions by all departments and agencies of the state  
94 31 government other than those of the legislative branch.

94 32 14. FEDERAL CASH MANAGEMENT AND IMPROVEMENT ACT  
94 33 ADMINISTRATOR. To serve as administrator for state actions  
94 34 relating to the federal Cash Management and Improvement Act of  
94 35 1990, Pub. L. No. 101-453, as codified in 31 U.S.C. } 6503.

95 1 The director shall perform the following duties relating to  
95 2 the federal law:

95 3 a. Act as the designated representative of the state in  
95 4 the negotiation and administration of contracts between the  
95 5 state and federal government relating to the federal law.

95 6 b. Modify the centralized statewide accounting system and  
95 7 develop, or require to be developed by the appropriate  
95 8 departments of state government, the necessary reports and  
95 9 procedures necessary to complete the managerial and financial  
95 10 reports required to comply with the federal law.

95 11 There is annually appropriated from the general fund of the  
95 12 state to the department an amount sufficient to pay interest  
95 13 costs that may be due the federal government as a result of  
95 14 implementation of the federal law. This paragraph does not  
95 15 authorize the payment of interest from the general fund of the  
95 16 state for any departmental revolving, trust, or special fund  
95 17 where monthly interest earnings accrue to the credit of the  
95 18 departmental revolving, trust, or special fund. For any  
95 19 departmental revolving, trust, or special fund where monthly  
95 20 interest is accrued to the credit of the fund, the director  
95 21 may authorize a supplemental expenditure to pay interest costs  
95 22 from the individual fund which are due the federal government  
95 23 as a result of implementation of the federal law.

95 24 Sec. 85. NEW SECTION. 8A.503 RULES == DEPOSIT OF  
95 25 DEPARTMENTAL MONEYS.

95 26 The director shall prescribe by rule the manner and methods  
95 27 by which all departments and agencies of the state who collect  
95 28 money for and on behalf of the state shall cause the money to  
95 29 be deposited with the treasurer of state or in a depository  
95 30 designated by the treasurer of state. All such moneys  
95 31 collected shall be deposited at such times and in such  
95 32 depositories to permit the state of Iowa to deposit the funds  
95 33 in a manner consistent with the state's investment policies.  
95 34 All such moneys shall be promptly deposited, as directed, even  
95 35 though the individual amount remitted may not be correct. If  
96 1 any individual amount remitted is in excess of the amount  
96 2 required, the department or agency receiving the same shall  
96 3 refund the excess amount. If the individual amount remitted  
96 4 is insufficient, the person, firm, or corporation concerned  
96 5 shall be immediately billed for the amount of the deficiency.  
96 6 Sec. 86. NEW SECTION. 8A.504 SETOFF PROCEDURES.  
96 7 1. DEFINITIONS. As used in this section, unless the  
96 8 context otherwise requires:  
96 9 a. "Collection entity" means the department of  
96 10 administrative services and any other state agency that  
96 11 maintains a separate accounting system and elects to establish  
96 12 a debt collection setoff procedure for collection of debts  
96 13 owed to the state or its agencies.  
96 14 b. "Person" does not include a state agency.  
96 15 c. "Qualifying debt" includes, but is not limited to, the  
96 16 following:  
96 17 (1) Any debt, which is assigned to the department of human  
96 18 services, or which the child support recovery unit is  
96 19 otherwise attempting to collect, or which the foster care  
96 20 recovery unit of the department of human services is  
96 21 attempting to collect on behalf of a child receiving foster  
96 22 care provided by the department of human services.  
96 23 (2) An amount that is due because of a default on a  
96 24 guaranteed student or parental loan under chapter 261.  
96 25 (3) Any debt which is in the form of a liquidated sum due,  
96 26 owing, and payable to the clerk of the district court.  
96 27 d. "State agency" means a board, commission, department,  
96 28 including the department of administrative services, or other  
96 29 administrative office or unit of the state of Iowa or any  
96 30 other state entity reported in the Iowa comprehensive annual  
96 31 financial report. "State agency" does include the clerk of  
96 32 the district court as it relates to the collection of a  
96 33 qualifying debt. "State agency" does not include the general  
96 34 assembly, the governor, or any political subdivision of the  
96 35 state, or its offices and units.  
97 1 2. SETOFF PROCEDURE. The collection entity shall  
97 2 establish and maintain a procedure to set off against any  
97 3 claim owed to a person by a state agency any liability of that  
97 4 person owed to a state agency, a support debt being enforced  
97 5 by the child support recovery unit pursuant to chapter 252B,  
97 6 or such other qualifying debt. The procedure shall only apply  
97 7 when at the discretion of the director it is feasible. The  
97 8 procedure shall meet the following conditions:  
97 9 a. Before setoff, a person's liability to a state agency  
97 10 and the person's claim on a state agency shall be in the form  
97 11 of a liquidated sum due, owing, and payable.  
97 12 b. Before setoff, the state agency shall obtain and  
97 13 forward to the collection entity the full name and social  
97 14 security number of the person liable to it or to whom a claim  
97 15 is owing who is a natural person. If the person is not a  
97 16 natural person, before setoff, the state agency shall forward  
97 17 to the collection entity the information concerning the person  
97 18 as the collection entity shall, by rule, require. The  
97 19 collection entity shall cooperate with other state agencies in  
97 20 the exchange of information relevant to the identification of  
97 21 persons liable to or claimants of state agencies. However,  
97 22 the collection entity shall provide only relevant information  
97 23 required by a state agency. The information shall be held in  
97 24 confidence and used for the purpose of setoff only. Section  
97 25 422.72, subsection 1, does not apply to this paragraph.  
97 26 c. Before setoff, a state agency shall, at least annually,  
97 27 submit to the collection entity the information required by  
97 28 paragraph "b" along with the amount of each person's liability  
97 29 to and the amount of each claim on the state agency. The  
97 30 collection entity may, by rule, require more frequent  
97 31 submissions.  
97 32 d. Before setoff, the amount of a person's claim on a  
97 33 state agency and the amount of a person's liability to a state  
97 34 agency shall constitute a minimum amount set by rule of the  
97 35 collection entity.  
98 1 e. Upon submission of an allegation of liability by a

98 2 state agency, the collection entity shall notify the state  
98 3 agency whether the person allegedly liable is entitled to  
98 4 payment from a state agency, and, if so entitled, shall notify  
98 5 the state agency of the amount of the person's entitlement and  
98 6 of the person's last address known to the collection entity.  
98 7 Section 422.72, subsection 1, does not apply to this  
98 8 paragraph.

98 9 f. Upon notice of entitlement to a payment, the state  
98 10 agency shall send written notification to that person of the  
98 11 state agency's assertion of its rights to all or a portion of  
98 12 the payment and of the state agency's entitlement to recover  
98 13 the liability through the setoff procedure, the basis of the  
98 14 assertion, the opportunity to request that a jointly or  
98 15 commonly owned right to payment be divided among owners, and  
98 16 the person's opportunity to give written notice of intent to  
98 17 contest the amount of the allegation. The state agency shall  
98 18 send a copy of the notice to the collection entity. A state  
98 19 agency subject to chapter 17A shall give notice, conduct  
98 20 hearings, and allow appeals in conformity with chapter 17A.

98 21 However, upon submission of an allegation of the liability  
98 22 of a person which is owing and payable to the clerk of the  
98 23 district court and upon the determination by the collection  
98 24 entity that the person allegedly liable is entitled to payment  
98 25 from a state agency, the collection entity shall send written  
98 26 notification to the person which states the assertion by the  
98 27 clerk of the district court of rights to all or a portion of  
98 28 the payment, the clerk's entitlement to recover the liability  
98 29 through the setoff procedure, the basis of the assertions, the  
98 30 person's opportunity to request within fifteen days of the  
98 31 mailing of the notice that the collection entity divide a  
98 32 jointly or commonly owned right to payment between owners, the  
98 33 opportunity to contest the liability to the clerk by written  
98 34 application to the clerk within fifteen days of the mailing of  
98 35 the notice, and the person's opportunity to contest the  
99 1 collection entity's setoff procedure.

99 2 g. Upon the timely request of a person liable to a state  
99 3 agency or of the spouse of that person and upon receipt of the  
99 4 full name and social security number of the person's spouse, a  
99 5 state agency shall notify the collection entity of the request  
99 6 to divide a jointly or commonly owned right to payment. Any  
99 7 jointly or commonly owned right to payment is rebuttably  
99 8 presumed to be owned in equal portions by its joint or common  
99 9 owners.

99 10 h. The collection entity shall, after the state agency has  
99 11 sent notice to the person liable or, if the liability is owing  
99 12 and payable to the clerk of the district court, the collection  
99 13 entity has sent notice to the person liable, set off the  
99 14 amount owed to the agency against any amount which a state  
99 15 agency owes that person. The collection entity shall refund  
99 16 any balance of the amount to the person. The collection  
99 17 entity shall periodically transfer amounts set off to the  
99 18 state agencies entitled to them. If a person liable to a  
99 19 state agency gives written notice of intent to contest an  
99 20 allegation, a state agency shall hold a refund or rebate until  
99 21 final disposition of the allegation. Upon completion of the  
99 22 setoff, a state agency shall notify in writing the person who  
99 23 was liable or, if the liability is owing and payable to the  
99 24 clerk of the district court, shall comply with the procedures  
99 25 as provided in paragraph "j".

99 26 i. The department of revenue and finance's existing right  
99 27 to credit against tax due or to become due under section  
99 28 422.73 is not to be impaired by a right granted to or a duty  
99 29 imposed upon the collection entity or other state agency by  
99 30 this section. This section is not intended to impose upon the  
99 31 collection entity or the department of revenue and finance any  
99 32 additional requirement of notice, hearing, or appeal  
99 33 concerning the right to credit against tax due under section  
99 34 422.73.

99 35 j. If the alleged liability is owing and payable to the  
100 1 clerk of the district court and setoff as provided in this  
100 2 section is sought, all of the following shall apply:

100 3 (1) The judicial branch shall prescribe procedures to  
100 4 permit a person to contest the amount of the person's  
100 5 liability to the clerk of the district court.

100 6 (2) The collection entity shall, except for the procedures  
100 7 described in subparagraph (1), prescribe any other applicable  
100 8 procedures concerning setoff as provided in this subsection.

100 9 (3) Upon completion of the setoff, the collection entity  
100 10 shall file, at least monthly, with the clerk of the district  
100 11 court a notice of satisfaction of each obligation to the full  
100 12 extent of all moneys collected in satisfaction of the

100 13 obligation. The clerk shall record the notice and enter a  
100 14 satisfaction for the amounts collected and a separate written  
100 15 notice is not required.  
100 16 3. In the case of multiple claims to payments filed under  
100 17 this section, priority shall be given to claims filed by the  
100 18 child support recovery unit or the foster care recovery unit,  
100 19 next priority shall be given to claims filed by the college  
100 20 student aid commission, next priority shall be given to claims  
100 21 filed by the investigations division of the department of  
100 22 inspections and appeals, next priority shall be given to  
100 23 claims filed by a clerk of the district court, and last  
100 24 priority shall be given to claims filed by other state  
100 25 agencies. In the case of multiple claims in which the  
100 26 priority is not otherwise provided by this subsection,  
100 27 priority shall be determined in accordance with rules to be  
100 28 established by the director.

100 29 4. The director shall have the authority to enter into  
100 30 reciprocal agreements with the departments of revenue of other  
100 31 states that have enacted legislation that is substantially  
100 32 equivalent to the setoff procedure provided in this section  
100 33 for the recovery of an amount due because of a default on a  
100 34 guaranteed student or parental loan under chapter 261. A  
100 35 reciprocal agreement shall also be approved by the college  
101 1 student aid commission. The agreement shall authorize the  
101 2 department to provide by rule for the setoff of state income  
101 3 tax refunds or rebates of defaulters from states with which  
101 4 Iowa has a reciprocal agreement and to provide for sending  
101 5 lists of names of Iowa defaulters to the states with which  
101 6 Iowa has a reciprocal agreement for setoff of that state's  
101 7 income tax refunds.

101 8 5. Under substantive rules established by the director,  
101 9 the department shall seek reimbursement from other state  
101 10 agencies to recover its costs for setting off liabilities.

101 11 Sec. 87. NEW SECTION. 8A.505 COST ALLOCATION SYSTEM.

101 12 The department shall develop and administer an indirect  
101 13 cost allocation system for state agencies. The system shall  
101 14 be based upon standard cost accounting methodologies and shall  
101 15 be used to allocate both direct and indirect costs of state  
101 16 agencies or state agency functions in providing centralized  
101 17 services to other state agencies. A cost that is allocated to  
101 18 a state agency pursuant to this system shall be billed to the  
101 19 state agency and the cost is payable to the general fund of  
101 20 the state. The source of payment for the billed cost shall be  
101 21 any revenue source except for the general fund of the state.  
101 22 If a state agency is authorized by law to bill and recover  
101 23 direct expenses, the state agency shall recover indirect costs  
101 24 in the same manner.

101 25 Sec. 88. NEW SECTION. 8A.506 ACCOUNTING.

101 26 The director may at any time require any person receiving  
101 27 money, securities, or property belonging to the state, or  
101 28 having the management, disbursement, or other disposition of  
101 29 them, an account of which is kept in the department, to render  
101 30 statements of them and information in reference to them.

101 31 Sec. 89. NEW SECTION. 8A.507 STATING ACCOUNT.

101 32 If an officer who is accountable to the state treasury for  
101 33 any money or property neglects to render an account to the  
101 34 director within the time prescribed by law, or, if no time is  
101 35 so prescribed, within twenty days after being required to do  
102 1 so by the director, the director shall state an account  
102 2 against the officer from the books of the officer's office,  
102 3 charging ten percent damages on the whole sum appearing due,  
102 4 and interest at the rate of six percent per annum on the  
102 5 aggregate from the time when the account should have been  
102 6 rendered; all of which may be recovered by action brought on  
102 7 the account, or on the official bond of the officer.

102 8 Sec. 90. NEW SECTION. 8A.508 COMPELLING PAYMENT.

102 9 If an officer fails to pay into the state treasury the  
102 10 amount received by the officer within the time prescribed by  
102 11 law, or, having settled with the director, fails to pay the  
102 12 amount found due, the director shall charge the officer with  
102 13 twenty percent damages on the amount due, with interest on the  
102 14 aggregate from the time the amount became due at the rate of  
102 15 six percent per annum, and the whole may be recovered by an  
102 16 action brought on the account, or on the official bond of the  
102 17 officer, and the officer shall forfeit the officer's  
102 18 commission.

102 19 Sec. 91. NEW SECTION. 8A.509 DEFENSE TO CLAIM.

102 20 The penal provisions in sections 8A.507 and 8A.508 are  
102 21 subject to any legal defense which the officer may have  
102 22 against the account as stated by the director, but judgment  
102 23 for costs shall be rendered against the officer in the action,

102 24 whatever its result, unless the officer rendered an account  
102 25 within the time named in those sections.

102 26 Sec. 92. NEW SECTION. 8A.510 REQUESTED CREDITS == OATH  
102 27 REQUIRED.

102 28 When a county treasurer or other receiver of public money  
102 29 seeks to obtain credit on the books of the department for  
102 30 payment made to the county treasurer, before giving such  
102 31 credit the director shall require that person to take and  
102 32 subscribe an oath that the person has not used, loaned, or  
102 33 appropriated any of the public money for the person's private  
102 34 benefit, nor for the benefit of any other person.

102 35 Sec. 93. NEW SECTION. 8A.511 REQUISITION FOR  
103 1 INFORMATION.

103 2 In those cases where the director is authorized to call  
103 3 upon persons or officers for information, or statements, or  
103 4 accounts, the director may issue a requisition therefor in  
103 5 writing to the person or officer called upon, allowing  
103 6 reasonable time, which, having been served and return made to  
103 7 the director, as a notice in a civil action, is evidence of  
103 8 the making of the requisition.

103 9 Sec. 94. NEW SECTION. 8A.512 LIMITS ON CLAIMS.

103 10 The director is limited in authorizing the payment of  
103 11 claims, as follows:

103 12 1. FUNDING LIMIT.

103 13 a. A claim shall not be allowed by the department if the  
103 14 appropriation or fund of certification available for paying  
103 15 the claim has been exhausted or proves insufficient.

103 16 b. The authority of the director is subject to the  
103 17 following exceptions:

103 18 (1) Claims by state employees for benefits pursuant to  
103 19 chapters 85, 85A, 85B, and 86 are subject to limitations  
103 20 provided in those chapters.

103 21 (2) Claims for medical assistance payments authorized  
103 22 under chapter 249A are subject to the time limits imposed by  
103 23 rule adopted by the department of human services.

103 24 (3) Claims approved by an agency according to the  
103 25 provisions of sections 25.1 and 25.2.

103 26 2. CONVENTION EXPENSES. Claims for expenses in attending  
103 27 conventions, meetings, conferences, or gatherings of members  
103 28 of an association or society organized and existing as a  
103 29 quasi-public association or society outside the state of Iowa  
103 30 shall not be allowed at public expense, unless authorized by  
103 31 the executive council; and claims for these expenses outside  
103 32 of the state shall not be allowed unless the voucher is  
103 33 accompanied by the portion of the minutes of the executive  
103 34 council, certified to by its secretary, showing that the  
103 35 expense was authorized by the council. This section does not  
104 1 apply to claims in favor of the governor, attorney general,  
104 2 utilities board members, or to trips referred to in sections  
104 3 97B.7A and 217.20.

104 4 3. PAYMENT FROM FEES. Claims for per diem and expenses  
104 5 payable from fees shall not be approved for payment in excess  
104 6 of those fees if the law provides that such expenditures are  
104 7 limited to the special funds collected and deposited in the  
104 8 state treasury.

104 9 Sec. 95. NEW SECTION. 8A.513 CLAIMS == APPROVAL.

104 10 The director before approving a claim on behalf of the  
104 11 department shall determine:

104 12 1. That the creation of the claim is clearly authorized by  
104 13 law. Statutes authorizing the expenditure may be referenced  
104 14 through account coding authorized by the director.

104 15 2. That the claim has been authorized by an officer or  
104 16 official body having legal authority to so authorize and that  
104 17 the fact of authorization has been certified to the director  
104 18 by such officer or official body.

104 19 3. That all legal requirements have been observed,  
104 20 including notice and opportunity for competition, if required  
104 21 by law.

104 22 4. That the claim is in proper form as the director may  
104 23 provide.

104 24 5. That the charges are reasonable, proper, and correct  
104 25 and no part of the claim has been paid.

104 26 Sec. 96. NEW SECTION. 8A.514 VOUCHERS == INTEREST ==  
104 27 PAYMENT OF CLAIMS.

104 28 1. Before a warrant or its equivalent is issued for a  
104 29 claim payable from the state treasury, the department shall  
104 30 file an itemized voucher showing in detail the items of  
104 31 service, expense, item furnished, or contract for which  
104 32 payment is sought. However, the director may authorize the  
104 33 prepayment of claims when the best interests of the state are  
104 34 served under rules adopted by the director. The claimant's

104 35 original invoice shall be attached to a department's approved  
105 1 voucher. The director shall adopt rules specifying the form  
105 2 and contents for invoices submitted by a vendor to a  
105 3 department. The requirements apply to acceptance of an  
105 4 invoice by a department. A department shall not impose  
105 5 additional or different requirements on submission of invoices  
105 6 than those contained in rules of the director unless the  
105 7 director exempts the department from the invoice requirements  
105 8 or a part of the requirements upon a finding that compliance  
105 9 would result in poor accounting or management practices.  
105 10 2. Vouchers for postage, stamped envelopes, and postal  
105 11 cards may be audited as soon as an order for them is entered.  
105 12 3. The departments, the general assembly, and the courts  
105 13 shall pay their claims in a timely manner. If a claim for  
105 14 services, supplies, materials, or a contract which is payable  
105 15 from the state treasury remains unpaid after sixty days  
105 16 following the receipt of the claim or the satisfactory  
105 17 delivery, furnishing, or performance of the services,  
105 18 supplies, materials, or contract, whichever date is later, the  
105 19 state shall pay interest at the rate of one percent per month  
105 20 on the unpaid amount of the claim. This subsection does not  
105 21 apply to claims against the state under chapters 25 and 669 or  
105 22 to claims paid by federal funds. The interest shall be  
105 23 charged to the appropriation or fund to which the claim is  
105 24 certified. Departments may enter into contracts for goods or  
105 25 services on payment terms of less than sixty days if the state  
105 26 may obtain a financial benefit or incentive which would not  
105 27 otherwise be available from the vendor. The department, in  
105 28 consultation with other affected departments, shall develop  
105 29 policies to promote consistency and fiscal responsibility  
105 30 relating to payment terms authorized under this subsection.  
105 31 The director shall adopt rules under chapter 17A relating to  
105 32 the administration of this subsection.

105 33 Sec. 97. NEW SECTION. 8A.515 WARRANTS == FORM.  
105 34 A warrant shall bear on its face the signature of the  
105 35 director or its facsimile, or the signature of an assistant or  
106 1 its facsimile in case of a vacancy in the office of the  
106 2 director; a proper number, date, amount, and name of payee; a  
106 3 reference to the law under which it is drawn; whether for  
106 4 salaries or wages, services, or supplies, and what kind of  
106 5 supplies; and from what office or department, or for what  
106 6 other general or special purposes; or in lieu thereof, a  
106 7 coding system may be used, which particulars shall be entered  
106 8 in a warrant register kept for that purpose in the order of  
106 9 issuance; and as soon as practicable after issuing a warrant  
106 10 register, the director shall certify a duplicate of it to the  
106 11 treasurer of state.

106 12 Sec. 98. NEW SECTION. 8A.516 REQUIRED PAYEE.  
106 13 All warrants shall be drawn to the order of the person  
106 14 entitled to payment or compensation, except that when goods or  
106 15 materials are purchased in foreign countries, warrants may be  
106 16 drawn upon the treasurer of state, payable to the bearer for  
106 17 the net amount of invoice and current exchange, and the  
106 18 treasurer of state shall furnish a foreign draft payable to  
106 19 the order of the person from whom purchase is made.

106 20 Sec. 99. NEW SECTION. 8A.517 PROHIBITED PAYEE.  
106 21 In no case shall warrants be drawn in the name of the  
106 22 certifying office, department, board, or institution, or in  
106 23 the name of an employee, except for personal service rendered  
106 24 or expense incurred by the employee, unless express statutory  
106 25 authority exists therefor.

106 26 Sec. 100. NEW SECTION. 8A.518 CLAIMS EXCEEDING  
106 27 APPROPRIATIONS.

106 28 A claim shall not be allowed when the claim will exceed the  
106 29 amount specifically appropriated for the claim.

106 30 Sec. 101. NEW SECTION. 8A.519 CANCELLATION OF STATE  
106 31 WARRANTS.

106 32 On the last business day of each month, the director shall  
106 33 cancel and request the treasurer of state to stop payment on  
106 34 all state warrants which have been outstanding and unredeemed  
106 35 by the treasurer of state for six months or longer.

## 107 1 DIVISION II

### 107 2 CONFORMING AND MISCELLANEOUS CHANGES

107 3 Sec. 102. Section 2.9, Code 2003, is amended to read as  
107 4 follows:

107 5 2.9 JOURNALS == BILLS AND AMENDMENTS.

107 6 1. a. The senate and house of representatives shall each  
107 7 publish a daily journal of the transactions of their  
107 8 respective bodies. The secretary of the senate and the chief  
107 9 clerk of the house shall each determine the format and manner  
107 10 of the journal's publication, the procurement procedures for

107 11 the journal's publication, and the journal's distribution for  
107 12 their respective bodies.

107 13 b. The secretary of the senate and the clerk of the house  
107 14 of representatives shall each preserve copies of the printed  
107 15 daily journals of their respective bodies, as corrected,  
107 16 certify to their correctness, and file them with the secretary  
107 17 of state at the adjournment of each session of the general  
107 18 assembly. The secretary of state shall ~~cause the journals to~~  
~~107 19 be bound and preserved as~~ preserve the original journals of  
107 20 the senate and the house in the manner specified by the  
107 21 majority leader of the senate and speaker of the house.

107 22 2. a. The senate and house of representatives shall each  
107 23 publish bills and amendments of their respective bodies. The  
107 24 secretary of the senate and the chief clerk of the house shall  
107 25 each determine the procurement procedures for the publication  
107 26 of the bills and amendments and the distribution of the bills  
107 27 and amendments for their respective bodies.

107 28 b. A bill that seeks to legalize the acts of any official  
107 29 or board or other official body, in regard to any matter of  
107 30 public nature or for any person or persons, company, or  
107 31 corporation, shall not be considered by the senate or house of  
107 32 representatives until the bill is published and distributed to  
107 33 members of the general assembly, and the publication shall be  
107 34 without expense to the state. The senate and house shall not  
107 35 order any such bill published until the secretary of the  
108 1 senate or chief clerk of the house has received a deposit to  
108 2 cover the cost of the publication. The newspaper publication  
108 3 of such bill shall be without expense to the state, and the  
108 4 bill shall not be published in a newspaper until the costs of  
108 5 the newspaper publication has been paid to the secretary of  
108 6 state.

108 7 Sec. 103. Section 2.10, subsection 1, Code 2003, is  
108 8 amended to read as follows:

108 9 1. Every member of the general assembly except the  
108 10 presiding officer of the senate, the speaker of the house, the  
108 11 majority and minority floor leader of each house, and the  
108 12 president pro tempore of the senate and speaker pro tempore of  
108 13 the house, shall receive an annual salary of twenty thousand  
108 14 one hundred twenty dollars for the year 1997 and subsequent  
108 15 years while serving as a member of the general assembly. In  
108 16 addition, each such member shall receive the sum of eighty-six  
108 17 dollars per day for expenses of office, except travel, for  
108 18 each day the general assembly is in session commencing with  
108 19 the first day of a legislative session and ending with the day  
108 20 of final adjournment of each legislative session as indicated  
108 21 by the journals of the house and senate, except that if the  
108 22 length of the first regular session of the general assembly  
108 23 exceeds one hundred ten calendar days and the second regular  
108 24 session exceeds one hundred calendar days, the payments shall  
108 25 be made only for one hundred ten calendar days for the first  
108 26 session and one hundred calendar days for the second session.  
108 27 Members from Polk county shall receive sixty-five dollars per  
108 28 day. Each member shall receive a two hundred dollar per month  
108 29 allowance for legislative district constituency postage,  
108 30 travel, telephone costs, and other expenses. Travel expenses  
108 31 shall be paid at the rate established by section ~~18-117~~ 8A.363  
108 32 for actual travel in going to and returning from the seat of  
108 33 government by the nearest traveled route for not more than one  
108 34 time per week during a legislative session unless the general  
108 35 assembly otherwise provides.

109 1 Sec. 104. Section 2.43, unnumbered paragraph 1, Code 2003,  
109 2 is amended to read as follows:

109 3 The legislative council in cooperation with the officers of  
109 4 the senate and house shall have the duty and responsibility  
109 5 for preparing for each session of the general assembly.  
109 6 Pursuant to such duty and responsibility, the legislative  
109 7 council shall assign the use of areas in the state capitol  
109 8 except for the areas used by the governor as of January 1,  
109 9 1986, and by the courts as of ~~November 1, 2002~~ July 1, 2003,  
109 10 and, in consultation with the director of the department of  
109 11 general services and the capitol planning commission, may  
109 12 assign areas in other state office buildings for use of the  
109 13 general assembly or legislative agencies. The legislative  
109 14 council may authorize the renovation, remodeling and  
109 15 preparation of the physical facilities used or to be used by  
109 16 the general assembly or legislative agencies subject to the  
109 17 jurisdiction of the legislative council and award contracts  
109 18 pursuant to such authority to carry out such preparation. The  
109 19 legislative council may purchase supplies and equipment deemed  
109 20 necessary for the proper functioning of the legislative branch  
109 21 of government.

109 22 Sec. 105. Section 2.47A, subsection 1, paragraph c, Code  
109 23 2003, is amended to read as follows:  
109 24 c. Receive annual status reports for all ongoing capital  
109 25 projects of state agencies, pursuant to section ~~18.12~~ 8A.321,  
109 26 subsection ~~14~~ 10.  
109 27 Sec. 106. Section 7A.1, unnumbered paragraph 4, Code 2003,  
109 28 is amended to read as follows:  
109 29 This section shall not be construed as depriving the ~~state~~  
~~109 30 printing administrator director of the department of~~  
~~109 31 administrative services~~ of the right to edit and revise said  
109 32 report.  
109 33 Sec. 107. Section 7A.2, unnumbered paragraph 2, Code 2003,  
109 34 is amended to read as follows:  
109 35 Reports after being filed with the governor and considered  
110 1 by the governor shall be delivered to the ~~state printing~~  
~~110 2 administrator director of the department of administrative~~  
~~110 3 services~~.  
110 4 Sec. 108. Section 7A.3, subsection 1, Code 2003, is  
110 5 amended to read as follows:  
110 6 1. Director of ~~revenue and finance~~ the department of  
~~110 7 administrative services~~ on the fiscal condition of the state.  
110 8 Sec. 109. Section 7A.3, subsection 6, Code 2003, is  
110 9 amended by striking the subsection.  
110 10 Sec. 110. Section 7A.3, subsection 10, Code 2003, is  
110 11 amended to read as follows:  
110 12 10. Department of ~~general~~ administrative services.  
110 13 Sec. 111. Section 7A.14, unnumbered paragraph 1, Code  
110 14 2003, is amended to read as follows:  
110 15 The annual and biennial reports shall be published,  
110 16 printed, and bound in such number as the ~~state printing~~  
~~110 17 administrator director of the department of administrative~~  
~~110 18 services~~ may order. The officials and heads of departments  
110 19 shall furnish the ~~administrator director~~ with information  
110 20 necessary to determine the number of copies to be printed.  
110 21 Sec. 112. Section 7A.23, Code 2003, is amended to read as  
110 22 follows:  
110 23 7A.23 PRICE OF DEPARTMENTAL REPORTS.  
110 24 The ~~state printing administrator director of the department~~  
~~110 25 of administrative services~~ shall establish and fix a selling  
110 26 price for all state departmental reports and any other state  
110 27 publications the ~~administrator director~~ may designate, which  
110 28 price per volume shall be the amount charged any person, other  
110 29 than public officials, who purchases the publication. The  
110 30 price shall cover the cost of printing and distribution. The  
110 31 ~~administrator director~~ may distribute gratis to state or local  
110 32 public officials or offices, as the ~~administrator director~~  
110 33 deems necessary, copies of departmental annual reports.  
110 34 Sec. 113. Section 7A.27, Code 2003, is amended to read as  
110 35 follows:  
111 1 7A.27 OTHER NECESSARY PUBLICATIONS == WHEN NECESSARY TO  
111 2 SELL.  
111 3 ~~There may be published other~~ Other miscellaneous documents,  
111 4 reports, bulletins, books, and booklets may be published that  
111 5 are needed for the use of the various officials and  
111 6 departments of state, or are of value for the information of  
111 7 the general assembly or the public, in form and number most  
111 8 useful and convenient, to be determined by the ~~state printing~~  
~~111 9 administrator director of the department of administrative~~  
~~111 10 services~~.  
111 11 When such publications, except supplements to the Iowa  
111 12 administrative code, paid for by public funds furnished by the  
111 13 state, contain reprints of statutes or rules, or both, they  
111 14 shall be sold and distributed at cost by the department  
111 15 ordering ~~same~~ the publication if the cost per publication is  
111 16 one dollar or more, unless a central library or depository is  
111 17 established. Such publications shall be obtained from the  
111 18 ~~state printing administrator director of the department of~~  
~~111 19 administrative services~~ on requisition by the department  
111 20 ordering the publication and the selling price, if any, shall  
111 21 be determined by the ~~administrator director of the department~~  
~~111 22 of administrative services~~ by dividing the total cost of  
111 23 printing, paper, distribution, and binding by the number  
111 24 printed. ~~Said~~ The price shall be set at the nearest multiple  
111 25 of ten to the quotient thus obtained. Distribution of such  
111 26 publications shall be made by the ~~administrator director~~  
111 27 gratis to public officers, purchasers of licenses from state  
111 28 departments required by statute and departments. Funds from  
111 29 the sale of such publications shall be deposited monthly in  
111 30 the general fund of the state except the cost of distribution  
111 31 shall be deposited in the ~~permanent printing~~ revolving fund  
111 32 established in section ~~18.57~~ 8A.345.



111 33 Sec. 114. Section 7A.28, Code 2003, is amended to read as  
111 34 follows:

111 35 7A.28 GOVERNOR MAY FIX FILING DATE.

112 1 The governor shall have the right to fix a date for the  
112 2 completion of or filing of any copy or manuscript for any  
112 3 miscellaneous document or other publication, or for any  
112 4 portion of the manuscript, and to compel compliance with such  
112 5 orders the same as in the case of the official reports. The  
112 6 ~~state printing administrator~~ director of the department of  
112 7 administrative services shall report to the governor any  
112 8 failure to furnish manuscript or other delay affecting any  
112 9 publication.

112 10 Sec. 115. Section 7A.29, Code 2003, is amended to read as  
112 11 follows:

112 12 7A.29 TITLE PAGES == COMPLIMENTARY INSERTIONS.

112 13 The ~~state printing administrator~~ director of the department  
112 14 of administrative services shall provide the necessary  
112 15 printer's copy for a suitable title page for each publication  
112 16 requiring such title which shall contain the name of the  
112 17 author, but ~~no~~ such title shall not have written or printed  
112 18 thereon or attached thereto the words "Compliments of"  
112 19 followed by the name of the author, nor any other words of  
112 20 similar import.

112 21 Sec. 116. Section 7E.5, subsection 1, paragraph b, Code  
112 22 2003, is amended to read as follows:

112 23 b. The department of ~~personnel~~ administrative services,  
112 24 created in section ~~19A.1~~ 8A.102, which has primary  
112 25 responsibility for ~~personnel~~ the management and coordination  
112 26 of the major resources of state government.

112 27 Sec. 117. Section 7E.5, subsection 1, paragraph c, Code  
112 28 2003, is amended by striking the paragraph.

112 29 Sec. 118. Section 7E.5, subsection 1, paragraph d, Code  
112 30 2003, is amended to read as follows:

112 31 d. The department of revenue ~~and finance~~, created in  
112 32 section 421.2, which has primary responsibility for revenue  
112 33 collection and revenue law compliance, ~~financial management~~  
112 34 ~~and assistance~~, and the Iowa lottery.

112 35 Sec. 119. Section 7E.5, subsection 1, paragraph x, Code  
113 1 2003, is amended by striking the paragraph.

113 2 Sec. 120. Section 7F.1, subsection 3, Code 2003, is  
113 3 amended to read as follows:

113 4 3. OFFICE ESTABLISHED. A state=federal relations office  
113 5 is established as an independent agency. The office shall be  
113 6 located in Washington D.C. and shall be administered by the  
113 7 director of the office who is appointed by the governor,  
113 8 subject to confirmation by the senate, and who serves at the  
113 9 pleasure of the governor. The office and its personnel are  
113 10 exempt from the merit system provisions of chapter ~~19A~~ 8A,  
113 11 article 4.

113 12 Sec. 121. Section 8.31, unnumbered paragraph 6, Code 2003,  
113 13 is amended to read as follows:

113 14 The procedure to be employed in controlling the  
113 15 expenditures and receipts of the state fair board and the  
113 16 institutions under the state board of regents, whose  
113 17 collections are not deposited in the state treasury, is that  
113 18 outlined in section ~~421.31~~ 8A.502, subsection ~~6~~ 2.

113 19 Sec. 122. Section 8.36A, Code 2003, is amended to read as  
113 20 follows:

113 21 8.36A FULL-TIME EQUIVALENT ~~POSITION~~ POSITIONS.

113 22 1. For purposes of making appropriations and financial  
113 23 reports and as used in appropriations statutes, "full=time  
113 24 equivalent position" means a budgeting and monitoring unit  
113 25 that equates the aggregate of full=time positions, part=time  
113 26 positions, a vacancy and turnover factor, and other  
113 27 adjustments. One full=time equivalent position represents two  
113 28 thousand eighty working hours, which is the regular number of  
113 29 hours one full=time person works in one fiscal year. The  
113 30 number of full=time equivalent positions shall be calculated  
113 31 by totaling the regular number of hours that could be annually  
113 32 worked by persons in all authorized positions, reducing those  
113 33 hours by a vacancy and turnover factor and dividing that  
113 34 amount by two thousand eighty hours. In order to achieve the  
113 35 full=time equivalent position level, the number of filled  
114 1 positions may exceed the number of full=time equivalent  
114 2 positions during parts of the fiscal year to compensate for  
114 3 time periods when the number of filled positions is below the  
114 4 authorized number of full=time equivalent positions.

114 5 2. If a department or establishment has reached or  
114 6 anticipates reaching the full=time equivalent position level  
114 7 authorized for the department but determines that conversion  
114 8 of a contract position to a full=time equivalent position

114 9 would result in cost savings while providing comparable or  
114 10 better services, the department or establishment may request  
114 11 the director of the department of management to approve the  
114 12 conversion and addition of the full-time equivalent position.  
114 13 The request shall be accompanied by evidence demonstrating how  
114 14 the cost savings and service quality will be achieved through  
114 15 the conversion. If approved by the director of the department  
114 16 of management, the department's or establishment's authorized  
114 17 full-time equivalent position level shall be increased  
114 18 accordingly and the revised level shall be reported to the  
114 19 fiscal committee of the legislative council and the  
114 20 legislative fiscal bureau.

114 21 Sec. 123. Section 8.47, subsection 1, unnumbered paragraph  
114 22 1, Code 2003, is amended to read as follows:

114 23 The department of ~~general administrative~~ services, in  
114 24 cooperation with the office of attorney general, ~~and the~~  
114 25 department of management, ~~the department of personnel, and the~~  
114 26 ~~department of revenue and finance,~~ shall adopt uniform terms  
114 27 and conditions for service contracts executed by a department  
114 28 or establishment benefiting from service contracts. The terms  
114 29 and conditions shall include but are not limited to all of the  
114 30 following:

114 31 Sec. 124. Section 8.47, subsection 2, Code 2003, is  
114 32 amended to read as follows:

114 33 2. Departments or establishments, with the approval of the  
114 34 department of management acting in cooperation with the office  
114 35 of attorney general, ~~the department of general services, the~~  
115 1 ~~department of personnel,~~ and the department of ~~revenue and~~  
115 2 ~~finance administrative~~ services, may adopt special terms and  
115 3 conditions for use by the departments or establishments in  
115 4 their service contracts.

115 5 Sec. 125. Section 8.63, Code 2003, is amended to read as  
115 6 follows:

115 7 8.63 INNOVATIONS FUND.

115 8 1. An innovations fund is created in the state treasury  
115 9 under the control of the department of management for the  
115 10 purpose of stimulating and encouraging innovation ~~and~~  
115 11 ~~entrepreneurship~~ in state government by the awarding of  
115 12 repayable loans to state agencies.

115 13 2. The director of the department of management shall  
115 14 establish an eight-member committee to be called the state  
115 15 innovations fund committee. The committee shall review all  
115 16 requests for funds and approve loans of funds if the committee  
115 17 determines that ~~the loan meets the requirements for a project~~  
115 18 ~~loan or an enterprise loan as provided in this section.~~

115 19 3. ~~A project loan can be funded if the committee~~  
115 20 ~~determines that an agency request would result in cost savings~~  
115 21 ~~or added revenue to the general fund of the state. Eligible~~  
115 22 ~~projects are projects which cannot be funded from an agency's~~  
115 23 ~~operating budget without adversely affecting the agency's~~  
115 24 ~~normal service levels. Projects may include, but are not~~  
115 25 ~~limited to, purchase of advanced technology, contracting for~~  
115 26 ~~expert services, and acquisition of equipment or supplies.~~  
115 27 4. ~~An enterprise loan can be funded if the committee~~  
115 28 ~~determines that the agency or business unit has a viable~~  
115 29 ~~business plan and the capability to use the loan to provide~~  
115 30 ~~internal services to government. The enterprise is expected~~  
115 31 ~~to receive payment for services from its customers and use~~  
115 32 ~~those payments to cover its expenses, including repayment of~~  
115 33 ~~the loan.~~

115 34 3- 5. A state agency seeking a loan from the innovations  
115 35 fund shall complete an application form designed by the state  
116 1 innovations fund committee which employs, ~~for projects,~~ a  
116 2 return on investment concept and demonstrates how state  
116 3 general fund expenditures will be reduced or how state general  
116 4 fund revenues will increase, ~~or, for enterprises, a business~~  
116 5 ~~plan that shows how the enterprise will meet customer needs,~~  
116 6 ~~provide value to customers, and demonstrate financial~~  
116 7 ~~viability.~~ Minimum loan requirements for state agency  
116 8 requests shall be determined by the committee. As an  
116 9 incentive to increase state general fund revenues, an agency  
116 10 may retain up to fifty percent of savings realized in  
116 11 connection with a ~~project~~ loan from the innovations fund. The  
116 12 amount retained shall be determined by the innovations fund  
116 13 committee.

116 14 4- 6. a. In order for the innovations fund to be self=  
116 15 supporting, the innovations fund committee shall establish  
116 16 repayment schedules for each ~~innovation~~ innovations fund loan  
116 17 awarded. Agencies shall repay the funds over a period not to  
116 18 exceed five years with interest, at a rate to be determined by  
116 19 the innovations fund committee.

116 20 b. If the department of management and the department of  
116 21 revenue ~~and finance~~ certify that the savings from a proposed  
116 22 innovations fund project will result in a net increase in the  
116 23 balance of the general fund of the state without a  
116 24 corresponding cost savings to the requesting agency, and if  
116 25 the requesting agency meets all other eligibility  
116 26 requirements, the innovations fund committee may approve the  
116 27 loan for the project and not require repayment by the  
116 28 requesting agency. There is appropriated from the general  
116 29 fund of the state to the department of ~~revenue and finance~~  
116 30 management for deposit in the innovations fund an amount  
116 31 sufficient to repay the loan amount.

116 32 ~~5- 7.~~ Notwithstanding section 12C.7, subsection 2,  
116 33 interest or earnings on moneys deposited in the innovations  
116 34 fund shall be credited to the innovations fund.  
116 35 Notwithstanding section 8.33, moneys remaining in the  
117 1 innovations fund at the end of a fiscal year shall not revert  
117 2 to the general fund of the state.

117 3 Sec. 126. Section 8D.4, Code 2003, is amended to read as  
117 4 follows:

117 5 8D.4 EXECUTIVE DIRECTOR APPOINTED.

117 6 The commission, in consultation with the director of the  
117 7 department of administrative services shall appoint an  
117 8 executive director of the commission, subject to confirmation  
117 9 by the senate. Such individual shall not serve as a member of  
117 10 the commission. The executive director shall serve at the  
117 11 pleasure of the commission. The executive director shall be  
117 12 selected primarily for administrative ability and knowledge in  
117 13 the field, without regard to political affiliation. The  
117 14 governor shall establish the salary of the executive director  
117 15 within range nine as established by the general assembly. The  
117 16 salary and support of the executive director shall be paid  
117 17 from funds deposited in the Iowa communications network fund.

117 18 Sec. 127. Section 9.3, Code 2003, is amended to read as  
117 19 follows:

117 20 9.3 COMMISSIONS.

117 21 All commissions issued by the governor shall be  
117 22 countersigned by the secretary, who shall register each  
117 23 commission in a book to be kept for that purpose, specifying  
117 24 the office, name of officer, date of commission, and tenure of  
117 25 office, and forthwith forward to the directors of the  
117 26 departments of management and of ~~revenue and finance~~  
117 27 administrative services copies of the registration.

117 28 Sec. 128. Section 10A.104, subsection 2, Code 2003, is  
117 29 amended to read as follows:

117 30 2. Appoint the administrators of the divisions within the  
117 31 department and all other personnel deemed necessary for the  
117 32 administration of this chapter, except the state public  
117 33 defender, assistant state public defenders, administrator of  
117 34 the racing and gaming commission, members of the employment  
117 35 appeal board, and administrator of the child advocacy board  
118 1 created in section 237.16. All persons appointed and employed  
118 2 in the department are covered by the provisions of chapter ~~19A~~  
118 3 8A, article 4, but persons not appointed by the director are  
118 4 exempt from the merit system provisions of chapter ~~19A~~ 8A.  
118 5 article 4.

118 6 Sec. 129. Section 10A.601, subsections 1 and 7, Code 2003,  
118 7 are amended to read as follows:

118 8 1. A full-time employment appeal board is created within  
118 9 the department of inspections and appeals to hear and decide  
118 10 contested cases under chapter 8A, article 4, and chapters ~~19A,~~  
118 11 ~~80, 88, 89A, 91C, 96, and 97B.~~

118 12 7. An application for rehearing before the appeal board  
118 13 shall be filed pursuant to section 17A.16, unless otherwise  
118 14 provided in chapter ~~19A,~~ 8A, article 4, or chapter 80, 88,  
118 15 ~~89A, 91C, 96, or 97B.~~ A petition for judicial review of a  
118 16 decision of the appeal board shall be filed pursuant to  
118 17 section 17A.19. The appeal board may be represented in any  
118 18 such judicial review by an attorney who is a regular salaried  
118 19 employee of the appeal board or who has been designated by the  
118 20 appeal board for that purpose, or at the appeal board's  
118 21 request, by the attorney general. Notwithstanding the  
118 22 petitioner's residency requirement in section 17A.19,  
118 23 subsection 2, a petition for judicial review may be filed in  
118 24 the district court of the county in which the petitioner was  
118 25 last employed or resides, provided that if the petitioner does  
118 26 not reside in this state, the action shall be brought in the  
118 27 district court of Polk county, Iowa, and any other party to  
118 28 the proceeding before the appeal board shall be named in the  
118 29 petition. Notwithstanding the thirty-day requirement in  
118 30 section 17A.19, subsection 6, the appeal board shall, within

118 31 sixty days after filing of the petition for judicial review or  
118 32 within a longer period of time allowed by the court, transmit  
118 33 to the reviewing court the original or a certified copy of the  
118 34 entire records of a contested case. The appeal board may also  
118 35 certify to the court, questions of law involved in any  
119 1 decision by the appeal board. Petitions for judicial review  
119 2 and the questions so certified shall be given precedence over  
119 3 all other civil cases except cases arising under the workers'  
119 4 compensation law of this state. No bond shall be required for  
119 5 entering an appeal from any final order, judgment, or decree  
119 6 of the district court to the supreme court.  
119 7 Sec. 130. Section 10A.801, subsection 3, paragraph a, Code  
119 8 2003, is amended to read as follows:  
119 9 a. The department shall employ a sufficient number of  
119 10 administrative law judges to conduct proceedings for which  
119 11 agencies are required, by section 17A.11 or any other  
119 12 provision of law, to use an administrative law judge employed  
119 13 by the division. An administrative law judge employed by the  
119 14 division shall not perform duties inconsistent with the  
119 15 judge's duties and responsibilities as an administrative law  
119 16 judge and shall be located in an office that is separated from  
119 17 the offices of the agencies for which that person acts as a  
119 18 presiding officer. Administrative law judges shall be covered  
119 19 by the merit system provisions of chapter ~~19A~~ 8A, article 4.  
119 20 Sec. 131. Section 11.2, subsection 1, unnumbered paragraph  
119 21 3, Code 2003, is amended to read as follows:  
119 22 Provided further, that a preliminary audit of the  
119 23 educational institutions and the state fair board shall be  
119 24 made periodically, at least quarterly, to check the monthly  
119 25 reports submitted to the director of ~~revenue and finance~~ the  
119 26 department of administrative services as required by section  
119 27 ~~421-31~~ 8A.502, subsection 4 2, and that a final audit of such  
119 28 state agencies shall be made at the close of each fiscal year.  
119 29 Sec. 132. Section 12E.8, subsection 2, Code 2003, is  
119 30 amended to read as follows:  
119 31 2. The authority is exempt from the requirements of  
119 32 chapter ~~18~~ 8A, article 3.  
119 33 Sec. 133. Section 13.13, subsection 2, Code 2003, is  
119 34 amended to read as follows:  
119 35 2. The farm assistance program coordinator shall contract  
120 1 with a nonprofit organization chartered in this state to  
120 2 provide mediation services as provided in chapters 654A, 654B,  
120 3 and 654C. The contract may be terminated by the coordinator  
120 4 upon written notice and for good cause. The organization  
120 5 awarded the contract is designated as the farm mediation  
120 6 service for the duration of the contract. The organization  
120 7 may, upon approval by the coordinator, provide mediation  
120 8 services other than as provided by law. The farm mediation  
120 9 service is not a state agency for the purposes of chapter 8A,  
120 10 article 4, and chapters ~~19A~~, 20, and 669.  
120 11 Sec. 134. Section 13.22, subsection 6, Code 2003, is  
120 12 amended to read as follows:  
120 13 6. Cooperate to the fullest extent feasible with the  
120 14 existing informational and referral networks among farmers,  
120 15 farmer advocates, and others concerned with the economic  
120 16 crisis in agricultural areas. The legal services provider is  
120 17 not a state agency for the purposes of chapter 8A, article 4,  
120 18 and chapters ~~19A~~, 20, and 669.  
120 19 Sec. 135. Section 13.34, subsection 4, Code 2003, is  
120 20 amended to read as follows:  
120 21 4. The contracting nonprofit organization is not a state  
120 22 agency for the purposes of chapter 8A, article 4, and chapters  
120 23 ~~19A~~, 20, and 669.  
120 24 Sec. 136. Section 13B.5, Code 2003, is amended to read as  
120 25 follows:  
120 26 13B.5 STAFF.  
120 27 The state public defender may appoint assistant state  
120 28 public defenders who, subject to the direction of the state  
120 29 public defender, shall have the same duties as the state  
120 30 public defender and shall not engage in the private practice  
120 31 of law. The salaries of the staff shall be fixed by the state  
120 32 public defender. The state public defender and the state  
120 33 public defender's staff shall receive actual and necessary  
120 34 expenses, including travel at the state rate set forth in  
120 35 section ~~18-117~~ 8A.363.  
121 1 Sec. 137. Section 15.106, subsection 2, Code 2003, is  
121 2 amended to read as follows:  
121 3 2. Employ personnel as necessary to carry out the duties  
121 4 and responsibilities of the department, consistent with the  
121 5 merit system provisions of chapter ~~19A~~ 8A, article 4, for  
121 6 nonprofessional employees. Professional staff of the

121 7 department are exempt from the merit system provisions of  
121 8 chapter ~~19A~~ 8A, article 4.  
121 9 Sec. 138. Section 15.108, subsection 9, paragraph c, Code  
121 10 2003, is amended to read as follows:  
121 11 c. Except as otherwise provided in sections ~~7D.33~~ 8A.110,  
121 12 260C.14, and 262.9, provide that an inventor whose research is  
121 13 funded in whole or in part by the state shall assign to the  
121 14 state a proportionate part of the inventor's rights to a  
121 15 letter patent resulting from that research. Royalties or  
121 16 earnings derived from a letter patent shall be paid to the  
121 17 treasurer of state and credited by the treasurer to the  
121 18 general fund of the state. However, the department in  
121 19 conjunction with other state agencies, including the board of  
121 20 regents, shall provide incentives to inventors whose research  
121 21 is funded in whole or in part by the state for having their  
121 22 products produced in the state. These incentives may include  
121 23 taking a smaller portion of the inventor's royalties or  
121 24 earnings than would otherwise occur under this paragraph or  
121 25 other provisions of the law.  
121 26 Sec. 139. Section 16.2, subsection 1, unnumbered paragraph  
121 27 2, Code 2003, is amended to read as follows:  
121 28 A title guaranty division is created within the authority.  
121 29 The powers of the division relating to the issuance of title  
121 30 guaranties are vested in and shall be exercised by a division  
121 31 board of five members appointed by the governor subject to  
121 32 confirmation by the senate. The membership of the board shall  
121 33 include an attorney, an abstractor, a real estate broker, a  
121 34 representative of a mortgage=lender, and a representative of  
121 35 the housing development industry. The executive director of  
122 1 the authority shall appoint an attorney as director of the  
122 2 title guaranty division who shall serve as an ex officio  
122 3 member of the board. The appointment of and compensation for  
122 4 the division director are exempt from the merit system  
122 5 provisions of chapter ~~19A~~ 8A, article 4.  
122 6 Sec. 140. Section 16A.5, subsection 2, Code 2003, is  
122 7 amended to read as follows:  
122 8 2. The executive director is a nonvoting ex officio member  
122 9 of the board, and shall advise the authority on matters  
122 10 relating to finance, carry out all directives from the  
122 11 authority, and hire and supervise the authority's staff  
122 12 pursuant to its directions and under the merit system  
122 13 provisions of chapter ~~19A~~ 8A, article 4, except that principal  
122 14 administrative assistants with responsibilities in operating  
122 15 loan programs, accounting, and processing of applications for  
122 16 interest reduction are exempt from the merit system.  
122 17 Sec. 141. Section 17A.6, subsection 5, Code 2003, is  
122 18 amended to read as follows:  
122 19 5. The Iowa administrative code, its supplements, and the  
122 20 Iowa administrative bulletin shall be made available upon  
122 21 request to all persons who subscribe to any of them ~~through~~  
122 22 ~~the state printing division. Copies of this code so made~~  
122 23 ~~available shall be kept current by the division.~~  
122 24 Sec. 142. Section 19B.5, subsection 2, Code 2003, is  
122 25 amended to read as follows:  
122 26 2. The department of ~~personnel~~ administrative services  
122 27 shall submit a report on the condition of affirmative action,  
122 28 diversity, and multicultural programs in state agencies  
122 29 covered by subsection 1 by September 30 of each year to the  
122 30 governor and the general assembly. ~~The report shall include~~  
122 31 ~~information identifying funding sources and itemized costs,~~  
122 32 ~~including administrative costs, for these programs.~~  
122 33 Sec. 143. Section 19B.12, subsection 4, Code 2003, is  
122 34 amended to read as follows:  
122 35 4. The department of ~~personnel~~ administrative services for  
123 1 all state agencies, and the state board of regents for its  
123 2 institutions, shall adopt rules and appropriate internal,  
123 3 confidential grievance procedures to implement this section,  
123 4 and shall adopt procedures for determining violations of this  
123 5 section and for ordering appropriate dispositions that may  
123 6 include, but are not limited to, discharge, suspension, or  
123 7 reduction in rank or grade as defined in section ~~19A.9~~ 8A.413,  
123 8 subsection 16.  
123 9 Sec. 144. Section 20.5, subsection 4, Code 2003, is  
123 10 amended to read as follows:  
123 11 4. The board may employ such persons as are necessary for  
123 12 the performance of its functions. Personnel of the board  
123 13 shall be employed pursuant to the provisions of chapter ~~19A~~  
123 14 8A, article 4.  
123 15 Sec. 145. Section 20.18, unnumbered paragraph 2, Code  
123 16 2003, is amended to read as follows:  
123 17 Public employees of the state or public employees covered

123 18 by civil service shall follow either the grievance procedures  
123 19 provided in a collective bargaining agreement, or in the event  
123 20 that grievance procedures are not provided, shall follow  
123 21 grievance procedures established pursuant to chapter ~~19A~~ 8A,  
123 22 article 4, or chapter 400, as applicable.

123 23 Sec. 146. Section 23A.2, subsection 10, paragraph o, Code  
123 24 2003, is amended to read as follows:  
123 25 o. The performance of an activity authorized pursuant to  
123 26 section ~~14B-102~~ 8A.202, subsection 2, paragraph ~~"i"~~ "k".

123 27 Sec. 147. Section 29A.13, Code 2003, is amended to read as  
123 28 follows:  
123 29 29A.13 APPROPRIATED FUNDS.  
123 30 Operating expenses for the national guard including the  
123 31 purchase of land, maintenance of facilities, improvement of  
123 32 state military reservations, installations, and weapons firing  
123 33 ranges owned or leased by the state of Iowa or the United  
123 34 States shall be paid from funds appropriated for the support  
123 35 and maintenance of the national guard. Claims for payment of  
124 1 such expenses shall be subject to the approval of the adjutant  
124 2 general. Upon approval of the adjutant general the claim  
124 3 shall be submitted to the director of ~~revenue and finance in~~  
124 4 ~~accordance with the procedures established by the director of~~  
124 5 ~~revenue and finance under chapter 421~~ the department of  
124 6 administrative services.

124 7 Payment for personnel compensation and authorized benefits  
124 8 shall be approved by the adjutant general prior to submission  
124 9 to the director of ~~revenue and finance~~ the department of  
124 10 administrative services for payment.

124 11 Sec. 148. Section 35A.8, subsection 3, Code 2003, is  
124 12 amended to read as follows:  
124 13 3. Except for the employment duties and responsibilities  
124 14 assigned to the commandant for the Iowa veterans home, the  
124 15 executive director shall employ such personnel as are  
124 16 necessary for the performance of the duties and  
124 17 responsibilities assigned to the commission. All employees  
124 18 shall be selected on a basis of fitness for the work to be  
124 19 performed with due regard to training and experience and shall  
124 20 be subject to the provisions of chapter ~~19A~~ 8A, article 4.

124 21 Sec. 149. Section 35A.10, Code 2003, is amended to read as  
124 22 follows:  
124 23 35A.10 MULTIYEAR CONSTRUCTION PROGRAM == CONSTRUCTION,  
124 24 REPAIR, AND IMPROVEMENT PROJECTS.  
124 25 1. The commission shall work with the department of  
124 26 ~~general administrative~~ services to prepare and submit to the  
124 27 director of the department of management, as provided in  
124 28 section 8.23, a multiyear construction program including  
124 29 estimates of the expenditure requirements for the  
124 30 construction, repair, or improvement of buildings, grounds, or  
124 31 equipment at the commission of veterans affairs building at  
124 32 Camp Dodge and the Iowa veterans home in Marshalltown.

124 33 2. The commandant and the commission shall have plans and  
124 34 specifications prepared by the department of ~~general~~  
124 35 ~~administrative~~ services for authorized construction, repair,  
125 1 or improvement projects in excess of twenty-five thousand  
125 2 dollars. An appropriation for a project shall not be expended  
125 3 until the department of ~~general administrative~~ services has  
125 4 adopted plans and specifications and has completed a detailed  
125 5 estimate of the cost of the project, prepared under the  
125 6 supervision of a registered architect or registered  
125 7 professional engineer.

125 8 3. The director of the department of ~~general~~  
125 9 ~~administrative~~ services shall, in writing, let all contracts  
125 10 for authorized improvements in excess of twenty-five thousand  
125 11 dollars in accordance with chapter ~~18~~ 8A, article 3. The  
125 12 director of the department of ~~general administrative~~ services  
125 13 shall not authorize payment for construction purposes until  
125 14 satisfactory proof has been furnished by the proper officer or  
125 15 supervising architect that the parties have complied with the  
125 16 contract.

125 17 Sec. 150. Section 35D.14, unnumbered paragraph 1, Code  
125 18 2003, is amended to read as follows:  
125 19 The commandant or the commandant's designee shall employ  
125 20 such personnel as are necessary for the performance of the  
125 21 duties and responsibilities assigned to the commandant. All  
125 22 employees shall be selected on a basis of fitness for the work  
125 23 to be performed with due regard to training and experience and  
125 24 shall be subject to the provisions of chapter ~~19A~~ 8A, article  
125 25 4.

125 26 Sec. 151. Section 42.1, subsection 5, paragraph b, Code  
125 27 2003, is amended to read as follows:  
125 28 b. An elective office in the executive or legislative

125 29 branch of the government of this state, or an office which is  
125 30 filled by appointment and is exempt from the merit system  
125 31 under section ~~19A.3~~ 8A.412.  
125 32 Sec. 152. Section 47.8, subsection 3, unnumbered paragraph  
125 33 2, Code 2003, is amended to read as follows:  
125 34 The commission may authorize the registrar to employ such  
125 35 additional staff personnel as it deems necessary to permit the  
126 1 duties of the registrar's office to be adequately and promptly  
126 2 discharged. Such personnel shall be employed pursuant to  
126 3 chapter ~~19A~~ 8A, article 4.  
126 4 Sec. 153. Section 55.1, unnumbered paragraph 2, Code 2003,  
126 5 is amended to read as follows:  
126 6 A leave of absence for a person regularly employed pursuant  
126 7 to chapter ~~19A~~ 8A, article 4, is subject to section ~~19A.18~~  
126 8 8A.416.  
126 9 Sec. 154. Section 55.4, unnumbered paragraph 1, Code 2003,  
126 10 is amended to read as follows:  
126 11 Any public employee who becomes a candidate for any  
126 12 elective public office shall, upon request of the employee and  
126 13 commencing any time within thirty days prior to a contested  
126 14 primary, special, or general election and continuing until  
126 15 after the day following that election, automatically be given  
126 16 a period of leave. If the employee is under chapter ~~19A~~ 8A,  
126 17 article 4, the employee may choose to use accrued vacation  
126 18 leave, accrued compensatory leave or leave without pay to  
126 19 cover these periods. The appointing authority may authorize  
126 20 other employees to use accrued vacation leave or accrued  
126 21 compensatory leave instead of leave without pay to cover these  
126 22 periods. An employee who is a candidate for any elective  
126 23 public office shall not campaign while on duty as an employee.  
126 24 Sec. 155. Section 68B.32, subsection 5, Code 2003, is  
126 25 amended to read as follows:  
126 26 5. The board shall employ a full-time executive director  
126 27 who shall be the board's chief administrative officer. The  
126 28 board shall employ or contract for the employment of legal  
126 29 counsel notwithstanding section 13.7, and any other personnel  
126 30 as may be necessary to carry out the duties of the board. The  
126 31 board's legal counsel shall be the chief legal officer of the  
126 32 board, and shall advise the board on all legal matters  
126 33 relating to the administration of this chapter and chapter 56.  
126 34 The state may be represented by the board's legal counsel in  
126 35 any civil action regarding the enforcement of this chapter or  
127 1 chapter 56, or, at the board's request, the state may be  
127 2 represented by the office of the attorney general.  
127 3 Notwithstanding section ~~19A.3~~ 8A.412, all of the board's  
127 4 employees, except for the executive director and legal  
127 5 counsel, shall be employed subject to the merit system  
127 6 provisions of chapter ~~19A~~ 8A, article 4. The salary of the  
127 7 executive director shall be fixed by the board, within the  
127 8 range established by the general assembly. The salary of the  
127 9 legal counsel shall be fixed by the board, within a salary  
127 10 range established by the department of personnel for a  
127 11 position requiring similar qualifications and experience.  
127 12 Sec. 156. Section 70A.38, subsection 8, Code 2003, is  
127 13 amended to read as follows:  
127 14 8. This section is repealed June 30, ~~2003~~ 2008.  
127 15 Sec. 157. Section 84A.7, subsection 5, Code 2003, is  
127 16 amended to read as follows:  
127 17 5. PARTICIPANT ELIGIBILITY. Notwithstanding any contrary  
127 18 provision of ~~chapters 19A~~ chapter 8A, article 4, and chapter  
127 19 96, a person employed through an Iowa conservation corps  
127 20 program shall be exempt from merit system requirements and  
127 21 shall not be eligible to receive unemployment compensation  
127 22 benefits.  
127 23 Sec. 158. Section 86.2, subsection 1, Code 2003, is  
127 24 amended to read as follows:  
127 25 1. Chief deputy workers' compensation commissioners for  
127 26 whose acts the commissioner is responsible, who are exempt  
127 27 from the merit system provisions of chapter ~~19A~~ 8A, article 4,  
127 28 and who shall serve at the pleasure of the commissioner.  
127 29 Sec. 159. Section 88.2, subsection 3, Code 2003, is  
127 30 amended to read as follows:  
127 31 3. Personnel administering the chapter shall be employed  
127 32 pursuant to chapter ~~19A~~ 8A, article 4.  
127 33 Sec. 160. Section 88A.6, Code 2003, is amended to read as  
127 34 follows:  
127 35 88A.6 PERSONNEL.  
128 1 The commissioner may employ inspectors and any other  
128 2 personnel deemed necessary to carry out the provisions of this  
128 3 chapter, subject to the provisions of chapter ~~19A~~ 8A, article  
128 4 4.

128 5 Sec. 161. Section 89.1, unnumbered paragraph 1, Code 2003,  
128 6 is amended to read as follows:  
128 7 The labor commissioner shall enforce the provisions of this  
128 8 chapter and may employ qualified personnel under the  
128 9 provisions of chapter ~~19A 8A, article 4,~~ to administer the  
128 10 provisions of this chapter.  
128 11 Sec. 162. Section 89A.4, Code 2003, is amended to read as  
128 12 follows:  
128 13 89A.4 COMMISSIONER'S DUTIES AND PERSONNEL.  
128 14 The commissioner shall enforce the provisions of this  
128 15 chapter. The commissioner shall employ personnel for the  
128 16 administration of this chapter pursuant to chapter ~~19A 8A,~~  
128 17 ~~article 4.~~  
128 18 Sec. 163. Section 91A.9, subsection 3, Code 2003, is  
128 19 amended to read as follows:  
128 20 3. The commissioner may employ such qualified personnel as  
128 21 are necessary for the enforcement of this chapter. Such  
128 22 personnel shall be employed pursuant to chapter ~~19A 8A,~~  
128 23 ~~article 4.~~  
128 24 Sec. 164. Section 96.11, subsection 16, Code 2003, is  
128 25 amended to read as follows:  
128 26 16. Reimbursement of setoff costs. The department shall  
128 27 include in the amount set off in accordance with section  
128 28 ~~421.17, subsection 29 8A.504,~~ for the collection of an  
128 29 overpayment created pursuant to section 96.3, subsection 7, or  
128 30 section 96.16, subsection 4, an additional amount for the  
128 31 reimbursement of setoff costs incurred by the department of  
128 32 ~~revenue and finance administrative services.~~  
128 33 Sec. 165. Section 97.51, subsection 1, Code 2003, is  
128 34 amended to read as follows:  
128 35 1. The treasurer of state is the custodian and trustee of  
129 1 this fund and shall administer the fund in accordance with the  
129 2 directions of the ~~department of personnel Iowa public~~  
129 3 ~~employees' retirement system created in section 97B.1.~~ It is  
129 4 the duty of the trustee:  
129 5 a. To hold said trust funds.  
129 6 b. Under the direction of the department and as designated  
129 7 by the department, invest such portion of said trust funds as  
129 8 are not needed for current payment of benefits, in interest=  
129 9 bearing securities issued by the United States, or interest=  
129 10 bearing bonds issued by the state of Iowa, or bonds issued by  
129 11 counties, school districts or general obligations or limited  
129 12 levy bonds issued by municipal corporations in this state as  
129 13 authorized by law; also to sell and dispose of same when  
129 14 needed for the payment of benefits.  
129 15 c. To disburse the trust funds upon warrants drawn by the  
129 16 director of revenue and finance pursuant to the order of the  
129 17 ~~department of personnel Iowa public employees' retirement~~  
129 18 ~~system created in section 97B.1.~~  
129 19 Sec. 166. Section 97.51, subsection 3, Code 2003, is  
129 20 amended to read as follows:  
129 21 3. The ~~department of personnel Iowa public employees'~~  
129 22 ~~retirement system created in section 97B.1~~ shall administer  
129 23 the Iowa old-age and survivors' insurance liquidation fund and  
129 24 shall also administer all other provisions of this chapter.  
129 25 Sec. 167. Section 97.52, Code 2003, is amended to read as  
129 26 follows:  
129 27 97.52 ADMINISTRATION AGREEMENTS.  
129 28 The ~~department of personnel Iowa public employees'~~  
129 29 ~~retirement system created in section 97B.1~~ may enter into  
129 30 agreements whereby services performed by the ~~department system~~  
129 31 and its employees under chapters 97, 97B, and 97C shall be  
129 32 equitably apportioned among the funds provided for the  
129 33 administration of those chapters. The money spent for  
129 34 personnel, rentals, supplies, and equipment used by the  
129 35 ~~department system~~ in administering the chapters shall be  
130 1 equitably apportioned and charged against the funds.  
130 2 Sec. 168. Section 97A.5, subsections 5 and 6, Code 2003,  
130 3 are amended to read as follows:  
130 4 5. STAFF. The department of ~~personnel public safety~~ shall  
130 5 provide administrative services to the board of trustees.  
130 6 Investments shall be administered through the office of the  
130 7 treasurer of state.  
130 8 6. DATA == RECORDS == REPORTS.  
130 9 a. The department of ~~personnel public safety~~ shall keep in  
130 10 convenient form the data necessary for actuarial valuation of  
130 11 the various funds of the system and for checking the expense  
130 12 of the system. The ~~director of the department commissioner of~~  
130 13 ~~personnel public safety~~ shall keep a record of all the acts  
130 14 and proceedings of the board, which records shall be open to  
130 15 public inspection. The board of trustees shall biennially



130 16 make a report to the general assembly showing the fiscal  
130 17 transactions of the system for the preceding biennium, the  
130 18 amount of the accumulated cash and securities of the system,  
130 19 and the last balance sheet showing the financial condition of  
130 20 the system by means of an actuarial valuation of the assets  
130 21 and liabilities of the system.

130 22 b. ~~The director of the department commissioner of~~  
130 23 ~~personnel public safety~~ shall maintain records, including but  
130 24 not limited to names, addresses, ages, and lengths of service,  
130 25 salaries and wages, contributions, designated beneficiaries,  
130 26 benefit amounts, if applicable, and other information  
130 27 pertaining to members as necessary in the administration of  
130 28 this chapter, as well as the names, addresses, and benefit  
130 29 amounts of beneficiaries. For the purpose of obtaining these  
130 30 facts, the ~~director commissioner of personnel public safety~~  
130 31 shall have access to the records of the various departments of  
130 32 the state and the departments shall provide such information  
130 33 upon request. Member and beneficiary records containing  
130 34 personal information are not public records for the purposes  
130 35 of chapter 22. However, summary information concerning the  
131 1 demographics of the members and general statistical  
131 2 information concerning the system is subject to chapter 22, as  
131 3 well as aggregate information by category.

131 4 Sec. 169. Section 97A.7, subsection 4, Code 2003, is  
131 5 amended to read as follows:

131 6 4. A member of the board of trustees or an employee of the  
131 7 department of ~~personnel public safety~~ shall not have a direct  
131 8 interest in the gains or profits of any investment made by the  
131 9 board of trustees. A trustee shall not receive any pay or  
131 10 emolument for the trustee's services. A trustee or employee  
131 11 of the department of ~~personnel public safety~~ shall not  
131 12 directly or indirectly use the assets of the system except to  
131 13 make current and necessary payments as authorized by the board  
131 14 of trustees, nor shall a trustee or employee of the department  
131 15 of ~~personnel public safety~~ become an endorser or surety or  
131 16 become in any manner an obligor for moneys loaned by or  
131 17 borrowed from the board of trustees.

131 18 Sec. 170. Section 97B.1, Code 2003, is amended to read as  
131 19 follows:

131 20 97B.1 SYSTEM CREATED == ORGANIZATIONAL DEFINITIONS.

131 21 1. The "Iowa Public Employees' Retirement System" is  
131 22 ~~created established as an independent agency within the~~  
131 23 ~~executive branch of state government.~~ The Iowa public  
131 24 employees' retirement system ~~division, a separate and distinct~~  
131 25 ~~division within the department of personnel,~~ shall administer  
131 26 the retirement system established under this chapter.

131 27 2. As used in this chapter, unless the context requires  
131 28 otherwise:

131 29 a. "Board" means the investment board created by section  
131 30 97B.8A.

131 31 b. "Chief executive officer" means the chief executive  
131 32 officer of the Iowa public employees' retirement system  
131 33 ~~division, notwithstanding section 7E.2, subsection 3,~~  
131 34 ~~paragraph "c", subparagraph (1).~~

131 35 c. "Committee" means the benefits advisory committee  
132 1 created by section 97B.8B.

132 2 d. ~~"Division" means the Iowa public employees' retirement~~  
132 3 ~~system division.~~

132 4 e. ~~d.~~ "System" means the Iowa public employees' retirement  
132 5 system.

132 6 Sec. 171. Section 97B.1A, subsection 23, Code 2003, is  
132 7 amended to read as follows:

132 8 ~~23. 19A.~~ "System" "Retirement system" means the retirement  
132 9 plan as contained herein in this chapter or as duly amended.

132 10 Sec. 172. Section 97B.4, subsection 2, paragraph c, Code  
132 11 2003, is amended to read as follows:

132 12 c. In administering this chapter, the ~~division shall~~  
132 13 ~~system may enter into a biennial agreement with the department~~  
132 14 ~~of personnel administrative services~~ concerning the sharing of  
132 15 resources between the division system and department which are  
132 16 of benefit to each and which are consistent with the mission  
132 17 of the division system and the department. The budget program  
132 18 for the division system shall be established by the chief  
132 19 executive officer in consultation with the board and other  
132 20 staff of the division system and shall be compiled ~~by the~~  
132 21 ~~department of personnel in collaboration with the division and~~  
132 22 ~~submitted on behalf of the division by the department system~~  
132 23 pursuant to section 8.23.

132 24 Sec. 173. Section 97B.4, subsection 3, paragraphs a, b, c,  
132 25 and d, Code 2003, are amended to read as follows:

132 26 a. CHIEF INVESTMENT OFFICER. The chief executive officer,

132 27 following consultation with the board, shall employ a chief  
132 28 investment officer who shall be appointed pursuant to chapter  
132 29 ~~19A 8A, article 4~~, and shall be responsible for administering  
132 30 the investment program for the retirement fund pursuant to the  
132 31 investment policies of the board.  
132 32 b. CHIEF BENEFITS OFFICER. The chief executive officer,  
132 33 following consultation with the benefits advisory committee,  
132 34 shall employ a chief benefits officer who shall be appointed  
132 35 pursuant to chapter ~~19A 8A, article 4~~, and shall be  
133 1 responsible for administering the benefits and other services  
133 2 provided under the retirement system.  
133 3 c. ACTUARY. The division system shall employ an actuary  
133 4 who shall be selected by the board and shall serve at the  
133 5 pleasure of the board. The actuary shall be the technical  
133 6 advisor for the system on matters regarding the operation of  
133 7 the retirement fund.  
133 8 d. DIVISION SYSTEM EMPLOYEES. Subject to other provisions  
133 9 of this chapter, the division system may employ all other  
133 10 personnel as necessary for the administration of the  
133 11 retirement system. The maximum number of full-time equivalent  
133 12 employees specified by the general assembly for the division  
133 13 system for administration of the retirement system for a  
133 14 fiscal year shall not be reduced by any authority other than  
133 15 the general assembly. The personnel of the division system  
133 16 shall be appointed pursuant to chapter ~~19A 8A, article 4~~. The  
133 17 division system shall not appoint or employ a person who is an  
133 18 officer or committee member of a political party organization  
133 19 or who holds or is a candidate for a partisan elective public  
133 20 office.  
133 21 Sec. 174. Section 97B.7A, subsection 5, Code 2003, is  
133 22 amended to read as follows:  
133 23 5. TRAVEL. In the administration of the investment of  
133 24 moneys in the retirement fund, employees of the division  
133 25 system and members of the board may travel outside the state  
133 26 for the purpose of meeting with investment firms and  
133 27 consultants and attending conferences and meetings to fulfill  
133 28 their fiduciary responsibilities. This travel is not subject  
133 29 to section ~~421.38 8A.512~~, subsection 2.  
133 30 Sec. 175. Section 97B.43, unnumbered paragraph 1, Code  
133 31 2003, is amended to read as follows:  
133 32 Each member in service on July 4, 1953, who made  
133 33 contributions under the abolished system, and who has not  
133 34 applied for and qualified for benefit payments under the  
133 35 abolished system, shall receive credit for years of prior  
134 1 service in the determination of retirement allowance payments  
134 2 under this chapter, if the member elects to become a member on  
134 3 or before October 1, 1953, the member has not made application  
134 4 for a refund of the part of the member's contributions under  
134 5 the abolished system which are payable under sections 97.50 to  
134 6 97.53, and the member gives written authorization prior to  
134 7 October 1, 1953, to the commission to credit to the retirement  
134 8 fund the amount of the member's contribution which would be  
134 9 subject to a claim for refund. The amount so credited shall,  
134 10 after transfer, be considered as a contribution to the  
134 11 retirement system made as of July 4, 1953, by the member and  
134 12 shall be included in the determination of the amount of moneys  
134 13 payable under this chapter. However, an employee who was  
134 14 under a contract of employment as a teacher in the public  
134 15 schools of the state of Iowa at the end of the school year  
134 16 1952=1953, or any person covered by section 97B.1A, subsection  
134 17 20, paragraph "c" or "d", shall be considered as in service as  
134 18 of July 4, 1953, if they were members of the abolished system.  
134 19 Sec. 176. Section 97B.49B, subsection 1, paragraph e,  
134 20 subparagraph (3), Code 2003, is amended to read as follows:  
134 21 (3) A correctional officer or correctional supervisor  
134 22 employed by the Iowa department of corrections, and any other  
134 23 employee of that department whose primary purpose is, through  
134 24 ongoing direct inmate contact, to enforce and maintain  
134 25 discipline, safety, and security within a correctional  
134 26 facility. The Iowa department of corrections and the  
134 27 ~~personnel division of the department of personnel~~  
134 28 administrative services shall jointly determine which job  
134 29 classifications are covered under this subparagraph.  
134 30 Sec. 177. Section 97B.49B, subsection 1, paragraph e,  
134 31 subparagraph (7), Code 2003, is amended to read as follows:  
134 32 (7) An employee covered by the merit system as provided in  
134 33 chapter ~~19A 8A, article 4~~, whose primary duty is providing  
134 34 airport security and who carries or is licensed to carry a  
134 35 firearm while performing those duties.  
135 1 Sec. 178. Section 97B.49F, subsection 2, paragraph c,  
135 2 subparagraph (5), Code 2003, is amended to read as follows:

135 3 (5) As used in this paragraph, "favorable actuarial  
135 4 experience" means the difference, if positive, between the  
135 5 anticipated and actual experience of the retirement system's  
135 6 actuarial assets and liabilities as measured by the system's  
135 7 actuary in the most recent annual actuarial valuation of the  
135 8 retirement system pursuant to rules adopted by the division  
135 9 system.

135 10 Sec. 179. Section 97B.50, subsection 2, paragraph c, Code  
135 11 2003, is amended to read as follows:

135 12 c. A vested member who terminated service due to a  
135 13 disability, who has been issued payment for a refund pursuant  
135 14 to section 97B.53, and who subsequently commences receiving  
135 15 disability benefits as a result of that disability pursuant to  
135 16 the federal Social Security Act, 42 U.S.C. } 423 et seq. or  
135 17 the federal Railroad Retirement Act, 45 U.S.C. } 231 et seq.,  
135 18 may receive credit for membership service for the period  
135 19 covered by the refund payment, upon repayment to the division  
135 20 system of the actuarial cost of receiving service credit for  
135 21 the period covered by the refund payment, as determined by the  
135 22 division system. For purposes of this paragraph, the  
135 23 actuarial cost of the service purchase shall be determined as  
135 24 provided in section 97B.74. The payment to the division  
135 25 system as provided in this paragraph shall be made within  
135 26 ninety days after July 1, 2000, or the date federal disability  
135 27 payments commenced, whichever occurs later. For purposes of  
135 28 this paragraph, the date federal disability payments commence  
135 29 shall be the date that the member actually receives the first  
135 30 such payment, regardless of any retroactive payments included  
135 31 in that payment. A member who repurchases service credit  
135 32 under this paragraph and applies for retirement benefits shall  
135 33 have the member's monthly allowance, including retroactive  
135 34 adjustment payments, determined in the same manner as provided  
135 35 in paragraph "a" or "b", as applicable. This paragraph shall  
136 1 not be implemented until the system has received a  
136 2 determination letter from the federal internal revenue service  
136 3 approving the system's plan's qualified status under Internal  
136 4 Revenue Code section 401(a).

136 5 Sec. 180. Section 97B.64, Code 2003, is amended to read as  
136 6 follows:

136 7 97B.64 INSURANCE LAWS NOT APPLICABLE.

136 8 None of the laws of this state regulating insurance or  
136 9 insurance companies shall apply to the division system or to  
136 10 the ~~Iowa public employees'~~ retirement system or any of its  
136 11 funds.

136 12 Sec. 181. Section 97C.2, subsection 8, Code 2003, is  
136 13 amended to read as follows:

136 14 8. The term "state agency" means the ~~department of~~  
136 15 ~~personnel~~ Iowa public employees' retirement system created in  
136 16 section 97B.1.

136 17 Sec. 182. Section 99E.3, subsection 3, Code 2003, is  
136 18 amended to read as follows:

136 19 3. The commissioner may employ, with the approval of the  
136 20 director, clerks, stenographers, inspectors, agents, and other  
136 21 employees pursuant to chapter ~~19A~~ 8A, article 4, as necessary  
136 22 to carry out this chapter, except as provided in section  
136 23 99E.14. The commissioner may require a background  
136 24 investigation to be conducted in connection with the  
136 25 employment of lottery employees. The board shall define, by  
136 26 rule, the employment categories subject to investigation. The  
136 27 background investigation by the division of criminal  
136 28 investigation of the department of public safety may include a  
136 29 national criminal history record check through the federal  
136 30 bureau of investigation. The screening of lottery employees  
136 31 through the federal bureau of investigation shall be conducted  
136 32 by submission of fingerprints through the state criminal  
136 33 history record repository to the federal bureau of  
136 34 investigation.

136 35 Sec. 183. Section 99E.14, unnumbered paragraph 1, Code  
137 1 2003, is amended to read as follows:

137 2 The commissioner shall designate three administrative  
137 3 positions within the division which require specific areas of  
137 4 expertise relating to the operation of the lottery. These  
137 5 three administrative positions are exempt from the merit  
137 6 system provisions of chapter ~~19A~~ 8A, article 4. The  
137 7 commissioner shall designate one of these three administrators  
137 8 to serve as acting commissioner in the commissioner's absence.

137 9 Sec. 184. Section 103A.6, Code 2003, is amended to read as  
137 10 follows:

137 11 103A.6 MERIT SYSTEM.

137 12 Employees of the commissioner, if required by federal  
137 13 statutes, are covered by the merit system provisions of

137 14 chapter ~~19A~~ 8A, article 4.

137 15 Sec. 185. Section 123.20, subsection 4, Code 2003, is  
137 16 amended to read as follows:

137 17 4. To appoint clerks, agents, or other employees required  
137 18 for carrying out the provisions of this chapter; to dismiss  
137 19 employees for cause; to assign employees to bureaus as created  
137 20 by the administrator within the division; and to designate  
137 21 their title, duties, and powers. All employees of the  
137 22 division are subject to chapter ~~19A~~ 8A, article 4, unless  
137 23 exempt under section ~~19A-3~~ 8A.412.

137 24 Sec. 186. Section 135.2, unnumbered paragraph 1, Code  
137 25 2003, is amended to read as follows:

137 26 The governor shall appoint the director of the department,  
137 27 subject to confirmation by the senate. The director shall  
137 28 serve at the pleasure of the governor. The director is exempt  
137 29 from the merit system provisions of chapter ~~19A~~ 8A, article 4.  
137 30 The governor shall set the salary of the director within the  
137 31 range established by the general assembly.

137 32 Sec. 187. Section 135C.16, subsection 1, Code 2003, is  
137 33 amended to read as follows:

137 34 1. In addition to the inspections required by sections  
137 35 135C.9 and 135C.38, the department shall make or cause to be  
138 1 made such further unannounced inspections as it deems  
138 2 necessary to adequately enforce this chapter. At least one  
138 3 general unannounced inspection shall be conducted for each  
138 4 health care facility within a thirty-month period. The  
138 5 inspector shall show identification to the person in charge of  
138 6 the facility and state that an inspection is to be made before  
138 7 beginning the inspection. An employee of the department who  
138 8 gives unauthorized advance notice of an inspection made or  
138 9 planned to be made under this subsection or section 135C.38  
138 10 shall be disciplined as determined by the director, except  
138 11 that if the employee is employed pursuant to the merit system  
138 12 provisions of chapter ~~19A~~ 8A, article 4, the discipline shall  
138 13 not exceed the discipline authorized pursuant to that ~~chapter~~  
138 14 article.

138 15 Sec. 188. Section 135C.18, Code 2003, is amended to read  
138 16 as follows:

138 17 135C.18 EMPLOYEES.

138 18 The department may employ, pursuant to chapter ~~19A~~ 8A,  
138 19 article 4, such assistants and inspectors as may be necessary  
138 20 to administer and enforce the provisions of this chapter.

138 21 Sec. 189. Section 137.6, subsection 4, Code 2003, is  
138 22 amended to read as follows:

138 23 4. Employ persons as necessary for the efficient discharge  
138 24 of its duties. Employment practices shall meet the  
138 25 requirements of chapter ~~19A~~ 8A, article 4, or any civil  
138 26 service provision adopted under chapter 400.

138 27 Sec. 190. Section 142A.5, subsection 1, paragraph b, Code  
138 28 2003, is amended to read as follows:

138 29 b. Employ a division administrator who shall be  
138 30 responsible for the administration and oversight of the  
138 31 division. The division administrator shall report to and  
138 32 shall serve at the pleasure of the director. The  
138 33 administrator shall be exempt from the merit system provisions  
138 34 of chapter ~~19A~~ 8A, article 4.

138 35 Sec. 191. Section 142A.6, subsection 5, Code 2003, is  
139 1 amended to read as follows:

139 2 5. Procurement of goods and services necessary to  
139 3 implement the initiative is subject to approval of the  
139 4 commission. Notwithstanding chapter ~~18~~ 8A, article 3, or any  
139 5 other provision of law to the contrary, such procurement may  
139 6 be accomplished by the commission under its own competitive  
139 7 bidding process which shall provide for consideration of such  
139 8 factors as price, bidder competence, and expediency in  
139 9 procurement.

139 10 Sec. 192. Section 147.98, Code 2003, is amended to read as  
139 11 follows:

139 12 147.98 SECRETARY OF PHARMACY EXAMINERS.

139 13 The pharmacy examiners shall have the right to employ a  
139 14 full-time secretary, who shall not be a member of the  
139 15 examining board, at such compensation as may be fixed pursuant  
139 16 to chapter ~~19A~~ 8A, article 4, but the provisions of section  
139 17 147.22 providing for a secretary for each examining board  
139 18 shall not apply to the pharmacy examiners.

139 19 Sec. 193. Section 147.102, Code 2003, is amended to read  
139 20 as follows:

139 21 147.102 PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS.

139 22 Notwithstanding the provisions of this subtitle, every  
139 23 application for a license to practice psychology,  
139 24 chiropractic, or dentistry shall be made directly to the

139 25 chairperson, executive director, or secretary of the examining  
139 26 board of such profession, and every reciprocal agreement for  
139 27 the recognition of any such license issued in another state  
139 28 shall be negotiated by the examining board for such  
139 29 profession. All examination, license, and renewal fees  
139 30 received from persons licensed to practice any of such  
139 31 professions shall be paid to and collected by the chairperson,  
139 32 executive director, or secretary of the examining board of  
139 33 such profession, who shall transmit the fees to the treasurer  
139 34 of state for deposit into the general fund of the state. The  
139 35 salary of the secretary shall be established by the governor  
140 1 with the approval of the executive council pursuant to section  
140 2 ~~19A-9 8A.413~~, subsection 2, under the pay plan for exempt  
140 3 positions in the executive branch of government.

140 4 Sec. 194. Section 147.103, unnumbered paragraph 1, Code  
140 5 2003, is amended to read as follows:

140 6 The board of physician assistant examiners may appoint  
140 7 investigators, who shall not be members of the examining  
140 8 board, to administer and aid in the enforcement of the  
140 9 provisions of law relating to physician assistants. The  
140 10 amount of compensation for the investigators shall be  
140 11 determined pursuant to chapter ~~19A 8A, article 4~~.

140 12 Sec. 195. Section 147.103A, subsections 3 and 4, Code  
140 13 2003, are amended to read as follows:

140 14 3. The board may appoint investigators, who shall not be  
140 15 members of the examining board, and whose compensation shall  
140 16 be determined pursuant to chapter ~~19A 8A, article 4~~.  
140 17 Investigators appointed by the board have the powers and  
140 18 status of peace officers when enforcing this chapter and  
140 19 chapters 148, 150, 150A, and 272C.

140 20 4. Applications for a license shall be made to the chair-  
140 21 person, executive director, or secretary of the board. All  
140 22 examination, license, and renewal fees shall be paid to and  
140 23 collected by the chairperson, executive director, or secretary  
140 24 of the board, who shall transmit the fees to the treasurer of  
140 25 state for deposit in the general fund of the state. The  
140 26 salary of the executive director of the board shall be  
140 27 established by the governor with approval of the executive  
140 28 council pursuant to section ~~19A-9 8A.413~~, subsection 2, under  
140 29 the pay plan for exempt positions in the executive branch of  
140 30 government.

140 31 Sec. 196. Section 147.114, Code 2003, is amended to read  
140 32 as follows:

140 33 147.114 INSPECTOR.

140 34 An inspector may be appointed by the board of dental  
140 35 examiners pursuant to the provisions of chapter ~~19A 8A,~~  
141 1 ~~article 4~~.

141 2 Sec. 197. Section 152.2, Code 2003, is amended to read as  
141 3 follows:

141 4 152.2 EXECUTIVE DIRECTOR == ASSISTANTS.

141 5 The board shall appoint a full-time executive director.  
141 6 The executive director shall be a registered nurse and shall  
141 7 not be a member of the board. The governor, with the approval  
141 8 of the executive council pursuant to section ~~19A-9 8A.413~~,  
141 9 subsection 2, under the pay plan for exempt positions in the  
141 10 executive branch of government, shall set the salary of the  
141 11 executive director.

141 12 Sec. 198. Section 152.3, subsection 6, Code 2003, is  
141 13 amended to read as follows:

141 14 6. To appoint assistants to the director and persons  
141 15 necessary to administer this ~~Act chapter~~. Any appointments  
141 16 shall be merit appointments made pursuant to chapter ~~19A 8A,~~  
141 17 ~~article 4~~.

141 18 Sec. 199. Section 152.11, Code 2003, is amended to read as  
141 19 follows:

141 20 152.11 INVESTIGATORS FOR NURSES.

141 21 The board of nursing may appoint investigators, who shall  
141 22 not be members of the board, to administer and aid in the  
141 23 enforcement of the provisions of law related to those licensed  
141 24 to practice nursing. The amount of compensation for the  
141 25 investigators shall be determined pursuant to chapter ~~19A 8A,~~  
141 26 ~~article 4~~. Investigators authorized by the board of nursing  
141 27 have the powers and status of peace officers when enforcing  
141 28 this chapter and chapters 147 and 272C.

141 29 Sec. 200. Section 153.33, subsection 2, Code 2003, is  
141 30 amended to read as follows:

141 31 2. To appoint investigators, who shall not be members of  
141 32 the examining board, to administer and aid in the enforcement  
141 33 of the provisions of law relating to those persons licensed to  
141 34 practice dentistry and dental hygiene, and persons registered  
141 35 as dental assistants. The amount of compensation for the

142 1 investigators shall be determined pursuant to chapter ~~19A 8A,~~  
142 2 article 4. Investigators authorized by the board of dental  
142 3 examiners have the powers and status of peace officers when  
142 4 enforcing this chapter and chapters 147 and 272C.  
142 5 Sec. 201. Section 157.7, Code 2003, is amended to read as  
142 6 follows:  
142 7 157.7 INSPECTORS AND CLERICAL ASSISTANTS.  
142 8 The department of inspections and appeals shall employ  
142 9 personnel ~~under pursuant to chapter 19A 8A, article 4,~~ to  
142 10 perform duties related to inspection functions under this  
142 11 chapter. The department of inspections and appeals shall,  
142 12 when possible, integrate inspection efforts under this chapter  
142 13 with inspections conducted under chapter 158.  
142 14 The Iowa department of public health may employ clerical  
142 15 assistants ~~under pursuant to chapter 19A 8A, article 4,~~ to  
142 16 administer and enforce this chapter. The costs and expenses  
142 17 of the clerical assistants shall be paid from funds  
142 18 appropriated to the department of public health.  
142 19 Sec. 202. Section 158.6, Code 2003, is amended to read as  
142 20 follows:  
142 21 158.6 INSPECTORS AND CLERICAL ASSISTANTS.  
142 22 The department of inspections and appeals shall employ  
142 23 personnel ~~under pursuant to chapter 19A 8A, article 4,~~ to  
142 24 perform duties related to inspection functions under this  
142 25 chapter. The department of inspections and appeals shall,  
142 26 when possible, integrate inspection efforts under this chapter  
142 27 with inspections conducted under chapter 157.  
142 28 The Iowa department of public health may employ clerical  
142 29 assistants ~~under pursuant to chapter 19A 8A, article 4,~~ to  
142 30 administer and enforce this chapter. The costs and expenses  
142 31 of the clerical assistants shall be paid from funds  
142 32 appropriated to the department of public health.  
142 33 Sec. 203. Section 175.7, subsection 3, Code 2003, is  
142 34 amended to read as follows:  
142 35 3. The executive director shall advise the authority on  
143 1 matters relating to agricultural land and property and  
143 2 agricultural finance, and carry out all directives from the  
143 3 authority, and shall hire and supervise the authority's staff  
143 4 pursuant to its directions and under the merit system  
143 5 provisions of chapter ~~19A 8A, article 4,~~ except that principal  
143 6 administrative assistants with responsibilities in beginning  
143 7 farm loan programs, accounting, mortgage loan processing, and  
143 8 investment portfolio management are exempt from the merit  
143 9 system.  
143 10 Sec. 204. Section 189.2, subsection 4, Code 2003, is  
143 11 amended to read as follows:  
143 12 4. Issue from time to time, bulletins showing the results  
143 13 of inspections, analyses, and prosecutions under this  
143 14 subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and  
143 15 208. These bulletins shall be printed in such numbers as may  
143 16 be approved by the ~~state printing administrator~~ director of  
143 17 the department of administrative services and shall be  
143 18 distributed to the newspapers of the state and to all  
143 19 interested persons.  
143 20 Sec. 205. Section 216A.2, unnumbered paragraph 2, Code  
143 21 2003, is amended to read as follows:  
143 22 The governor shall appoint the administrators of each of  
143 23 the divisions subject to confirmation by the senate. Each  
143 24 administrator shall serve at the pleasure of the governor and  
143 25 is exempt from the merit system provisions of chapter ~~19A 8A,~~  
143 26 article 4. The governor shall set the salary of the division  
143 27 administrators within the ranges set by the general assembly.  
143 28 Sec. 206. Section 216A.145, Code 2003, is amended to read  
143 29 as follows:  
143 30 216A.145 EMPLOYEES AND RESPONSIBILITY.  
143 31 The administrator shall be the administrative officer of  
143 32 the division and shall be responsible for implementing  
143 33 policies and programs. The administrator may employ, in  
143 34 accordance with chapter ~~19A 8A, article 4,~~ other persons  
143 35 necessary to carry out the programs of the division.  
144 1 Sec. 207. Section 216B.3, subsections 14 and 17, Code  
144 2 2003, are amended to read as follows:  
144 3 14. Purchase and use recycled printing and writing paper  
144 4 in accordance with the schedule established in section ~~18.18~~  
144 5 8A.315; establish a wastepaper recycling program, ~~by January~~  
144 6 ~~1, 1990,~~ in accordance with the recommendations made by the  
144 7 department of natural resources and requirements of section  
144 8 ~~18.20 8A.329~~; and, in accordance with section ~~18.6 8A.311,~~  
144 9 require product content statements and compliance with  
144 10 requirements regarding contract bidding.  
144 11 17. Comply with the requirements for the purchase of

144 12 lubricating oils, industrial oils, greases, and hydraulic  
144 13 fluids as established pursuant to section ~~18.22~~ 8A.316.  
144 14 Sec. 208. Section 217.23, subsection 1, Code 2003, is  
144 15 amended to read as follows:  
144 16 1. The director of human services or the director's  
144 17 designee, shall employ such personnel as are necessary for the  
144 18 performance of the duties and responsibilities assigned to the  
144 19 department. All employees shall be selected on a basis of  
144 20 fitness for the work to be performed with due regard to  
144 21 training and experience and shall be subject to the provisions  
144 22 of chapter ~~19A~~ 8A, article 4.  
144 23 Sec. 209. Section 217.34, Code 2003, is amended to read as  
144 24 follows:  
144 25 217.34 DEBT SETOFF.  
144 26 The investigations division of the department of  
144 27 inspections and appeals and the department of human services  
144 28 shall provide assistance to set off against a person's or  
144 29 provider's income tax refund or rebate any debt which has  
144 30 accrued through written contract, subrogation, departmental  
144 31 recoupment procedures, or court judgment and which is in the  
144 32 form of a liquidated sum due and owing the department of human  
144 33 services. The department of inspections and appeals, with  
144 34 approval of the department of human services, shall adopt  
144 35 rules under chapter 17A necessary to assist the department of  
145 1 ~~revenue and finance administrative services~~ in the  
145 2 implementation of the setoff under section ~~421.17, subsection~~  
~~145 3 21~~ 8A.504 in regard to money owed to the state for public  
145 4 assistance overpayments. The department of human services  
145 5 shall adopt rules under chapter 17A necessary to assist the  
145 6 department of ~~revenue and finance administrative services~~ in  
145 7 the implementation of the setoff under section ~~421.17,~~  
~~145 8 subsection 21~~ 8A.504, in regard to collections by the child  
145 9 support recovery unit and the foster care recovery unit.  
145 10 Sec. 210. Section 218.10, Code 2003, is amended to read as  
145 11 follows:  
145 12 218.10 SUBORDINATE OFFICERS AND EMPLOYEES.  
145 13 The administrator in charge of a particular institution,  
145 14 with the consent and approval of the director of human  
145 15 services, shall determine the number of subordinate officers  
145 16 and employees for the institution. Subject to this chapter,  
145 17 the officers and employees shall be appointed and discharged  
145 18 by the superintendent or business manager pursuant to chapter  
145 19 ~~19A~~ 8A, article 4. The superintendent shall keep, in the  
145 20 record of each subordinate officer and employee, the date of  
145 21 employment, the compensation, and the date of each discharge,  
145 22 and the reasons for discharge.  
145 23 Sec. 211. Section 218.58, subsections 3 and 5, Code 2003,  
145 24 are amended to read as follows:  
145 25 3. The department of ~~general administrative services~~ shall  
145 26 let all contracts under chapter ~~18~~ 8A, article 3, for  
145 27 authorized construction, repair, or improvement of  
145 28 departmental buildings, grounds, or equipment.  
145 29 5. A claim for payment relating to a project shall be  
145 30 itemized on a voucher form pursuant to section ~~421.40~~ 8A.514,  
145 31 certified by the claimant and the architect or engineer in  
145 32 charge, and audited and approved by the department of ~~general~~  
145 33 ~~administrative services~~. Upon approval by the department of  
145 34 ~~general administrative services, the voucher shall be~~  
~~145 35 forwarded to the director of revenue and finance, who the~~  
~~146 1 department of administrative services~~ shall draw a warrant to  
146 2 be paid by the treasurer of state from funds appropriated for  
146 3 the project. A partial payment made before completion of the  
146 4 project does not constitute final acceptance of the work or a  
146 5 waiver of any defect in the work.  
146 6 Sec. 212. Section 218.85, Code 2003, is amended to read as  
146 7 follows:  
146 8 218.85 UNIFORM SYSTEM OF ACCOUNTS.  
146 9 The director of human services through the administrators  
146 10 in control of the institutions shall install in all the  
146 11 institutions the most modern, complete, and uniform system of  
146 12 accounts, records, and reports possible. The system shall be  
146 13 prescribed by the director of ~~revenue and finance the~~  
~~146 14 department of administrative services~~ as authorized in section  
146 15 ~~421.31~~ 8A.502, subsection ~~10~~ 13, and, among other matters,  
146 16 shall clearly show the detailed facts relative to the handling  
146 17 and uses of all purchases.  
146 18 Sec. 213. Section 218.100, Code 2003, is amended to read  
146 19 as follows:  
146 20 218.100 CENTRAL WAREHOUSE AND SUPPLY DEPOT.  
146 21 The department of human services shall establish a fund for  
146 22 maintaining and operating a central warehouse as a supply

146 23 depot and distribution facility for surplus government  
146 24 products, carload canned goods, paper products, other staples  
146 25 and such other items as determined by the department. The  
146 26 fund shall be permanent and shall be composed of the receipts  
146 27 from the sales of merchandise, recovery of handling, operating  
146 28 and delivery charges of such merchandise and from the funds  
146 29 contributed by the institutions now in a contingent fund being  
146 30 used for this purpose. All claims for purchases of  
146 31 merchandise, operating and salary expenses shall be subject to  
146 32 the provisions of sections 218.86 to ~~218.89~~ 218.88.

146 33 Sec. 214. Section 231.22, unnumbered paragraph 1, Code  
146 34 2003, is amended to read as follows:

146 35 The governor, subject to confirmation by the senate, shall  
147 1 appoint a director of the department of elder affairs who  
147 2 shall, subject to chapter ~~19A~~ 8A, article 4, employ and direct  
147 3 staff as necessary to carry out the powers and duties created  
147 4 by this chapter. The director shall serve at the pleasure of  
147 5 the governor. However, the director is subject to  
147 6 reconfirmation by the senate as provided in section 2.32,  
147 7 subsection 8. The governor shall set the salary for the  
147 8 director within the range set by the general assembly.

147 9 Sec. 215. Section 231.58, subsection 4, paragraph d, Code  
147 10 2003, is amended to read as follows:

147 11 d. Develop procedures for coordination at the local and  
147 12 state level among the providers of long-term care, including  
147 13 when possible co-campusing of services. The director of the  
147 14 department of ~~general administrative~~ services shall give  
147 15 particular attention to this section when arranging for office  
147 16 space pursuant to section ~~18.12~~ 8A.321 for these three  
147 17 departments.

147 18 Sec. 216. Section 234.8, Code 2003, is amended to read as  
147 19 follows:

147 20 234.8 FEES FOR CHILD WELFARE SERVICES.

147 21 The department of human services may charge a fee for child  
147 22 welfare services to a person liable for the cost of the  
147 23 services. The fee shall not exceed the reasonable cost of the  
147 24 services. The fee shall be based upon the person's ability to  
147 25 pay and consideration of the fee's impact upon the liable  
147 26 person's family and the goals identified in the case  
147 27 permanency plan. The department may assess the liable person  
147 28 for the fee and the means of recovery shall include a setoff  
147 29 against an amount owed by a state agency to the person  
147 30 assessed pursuant to section ~~421.17, subsection 29~~ 8A.504. In  
147 31 addition the department may establish an administrative  
147 32 process to recover the assessment through automatic income  
147 33 withholding. The department shall adopt rules pursuant to  
147 34 chapter 17A to implement the provisions of this section. This  
147 35 section does not apply to court-ordered services provided to  
148 1 juveniles which are a charge upon the state pursuant to  
148 2 section 232.141 and services for which the department has  
148 3 established a support obligation pursuant to section 234.39.

148 4 Sec. 217. Section 235A.15, subsection 5, Code 2003, is  
148 5 amended to read as follows:

148 6 5. Access to disposition data subject to placement in the  
148 7 central registry pursuant to section 232.71D is authorized to  
148 8 the department of personnel or to the personnel office of a  
148 9 public employer, as defined in section 20.3, as necessary for  
148 10 presentation in grievance or arbitration procedures provided  
148 11 for in sections ~~19A.14~~ 8A.415 and 20.18. Disposition data  
148 12 introduced into a grievance or arbitration proceeding shall  
148 13 not be considered a part of the public record of a case.

148 14 Sec. 218. Section 236.15B, unnumbered paragraph 5, Code  
148 15 2003, is amended to read as follows:

148 16 The department of ~~revenue and finance~~ administrative  
148 17 services shall consult the crime victim assistance board  
148 18 concerning the adoption of rules to implement this section.  
148 19 However, before a checkoff pursuant to this section shall be  
148 20 permitted, all liabilities on the books of the department of  
148 21 ~~revenue and finance~~ administrative services and accounts  
148 22 identified as owing under section ~~421.17~~ 8A.504 and the  
148 23 political contribution allowed under section 56.18 shall be  
148 24 satisfied.

148 25 Sec. 219. Section 252B.5, subsection 4, Code 2003, is  
148 26 amended to read as follows:

148 27 4. Assistance to set off against a debtor's income tax  
148 28 refund or rebate any support debt, which is assigned to the  
148 29 department of human services or which the child support  
148 30 recovery unit is attempting to collect on behalf of any  
148 31 individual not eligible as a public assistance recipient,  
148 32 which has accrued through written contract, subrogation, or  
148 33 court judgment, and which is in the form of a liquidated sum



148 34 due and owing for the care, support, or maintenance of a  
148 35 child. Unless the periodic payment plan provisions for a  
149 1 retroactive modification pursuant to section 598.21,  
149 2 subsection 8, apply, the entire amount of a judgment for  
149 3 accrued support, notwithstanding compliance with a periodic  
149 4 payment plan or regardless of the date of entry of the  
149 5 judgment, is due and owing as of the date of entry of the  
149 6 judgment and is delinquent for the purposes of setoff,  
149 7 including for setoff against a debtor's federal income tax  
149 8 refund or other federal nontax payment. The department of  
149 9 human services shall adopt rules pursuant to chapter 17A  
149 10 necessary to assist the department of ~~revenue and finance~~  
149 11 administrative services in the implementation of the child  
149 12 support setoff as established under section ~~421.17, subsection~~  
~~149 13 21~~ 8A.504.  
149 14 Sec. 220. Section 252B.5, subsection 8, Code 2003, is  
149 15 amended to read as follows:  
149 16 8. a. Assistance, in consultation with the department of  
149 17 ~~revenue and finance administrative services~~, in identifying  
149 18 and taking action against self-employed individuals as  
149 19 identified by the following conditions:  
149 20 (1) The individual owes support pursuant to a court or  
149 21 administrative order being enforced by the unit and is  
149 22 delinquent in an amount equal to or greater than the support  
149 23 obligation amount assessed for one month.  
149 24 (2) The individual has filed a state income tax return in  
149 25 the preceding twelve months.  
149 26 (3) The individual has no reported tax withholding amount  
149 27 on the most recent state income tax return.  
149 28 (4) The individual has failed to enter into or comply with  
149 29 a formalized repayment plan with the unit.  
149 30 (5) The individual has failed to make either all current  
149 31 support payments in accordance with the court or  
149 32 administrative order or to make payments against any  
149 33 delinquency in each of the preceding twelve months.  
149 34 b. Notwithstanding section 252B.9, the unit may forward  
149 35 information to the department of ~~revenue and finance~~  
150 1 administrative services as necessary to implement this  
150 2 subsection, including but not limited to both of the  
150 3 following:  
150 4 (1) The name and social security number of the individual.  
150 5 (2) Support obligation information in the specific case,  
150 6 including the amount of the delinquency.  
150 7 Sec. 221. Section 255.27, Code 2003, is amended to read as  
150 8 follows:  
150 9 255.27 FACULTY TO PREPARE BLANKS == PRINTING.  
150 10 The medical faculty of the state university hospital shall  
150 11 from time to time prepare blanks containing questions and  
150 12 requiring information that it finds necessary and proper to be  
150 13 obtained by the physician who examines a patient under order  
150 14 of court. The blanks shall be printed by the state, and a  
150 15 sufficient supply shall be furnished by the ~~state printing~~  
~~150 16 administrator director of the department of administrative~~  
~~150 17 services~~ to the clerk of each juvenile court in the state.  
150 18 The cost of printing the blanks shall be audited, allowed, and  
150 19 paid in the same manner as other bills for public printing.  
150 20 Sec. 222. Section 256.9, subsection 4, Code 2003, is  
150 21 amended to read as follows:  
150 22 4. Employ personnel and assign duties and responsibilities  
150 23 of the department. The director shall appoint a deputy  
150 24 director and division administrators deemed necessary. They  
150 25 shall be appointed on the basis of their professional  
150 26 qualifications, experience in administration, and background.  
150 27 Members of the professional staff are not subject to the merit  
150 28 system provisions of chapter ~~19A 8A, article 4~~, and are  
150 29 subject to section 256.10.  
150 30 Sec. 223. Section 256.52, subsection 3, paragraph d, Code  
150 31 2003, is amended to read as follows:  
150 32 d. Appoint and approve the technical, professional,  
150 33 excepting the medical librarian and the law librarian,  
150 34 secretarial, and clerical staff necessary to accomplish the  
150 35 purposes of the division subject to chapter ~~19A 8A, article 4~~.  
151 1 Sec. 224. Section 256.54, subsection 1, unnumbered  
151 2 paragraph 1, Code 2003, is amended to read as follows:  
151 3 The medical library shall be administered by a medical  
151 4 librarian, appointed by the director subject to chapter ~~19A~~  
151 5 8A, article 4, who shall do all of the following:  
151 6 Sec. 225. Section 256.54, subsection 2, unnumbered  
151 7 paragraph 1, Code 2003, is amended to read as follows:  
151 8 The law library shall be administered by a law librarian  
151 9 appointed by the director subject to chapter ~~19A 8A, article~~

151 10 4, who shall do all of the following:

151 11 Sec. 226. Section 257C.6, subsection 11, Code 2003, is  
151 12 amended to read as follows:

151 13 11. The authority is exempt from chapter ~~18~~ 8A, article 3.

151 14 Sec. 227. Section 260C.19B, Code 2003, is amended to read  
151 15 as follows:

151 16 260C.19B PURCHASE OF BIO=BASED HYDRAULIC FLUIDS, GREASES,  
151 17 AND OTHER INDUSTRIAL LUBRICANTS.

151 18 Hydraulic fluids, greases, and other industrial lubricants  
151 19 purchased by or used under the direction of the board of  
151 20 directors to provide services to a merged area shall be  
151 21 purchased in compliance with the preference requirements for  
151 22 purchasing bio-based hydraulic fluids, greases, and other  
151 23 industrial lubricants as provided pursuant to section ~~18.22~~  
151 24 8A.316.

151 25 Sec. 228. Section 261.37, subsection 7, Code 2003, is  
151 26 amended to read as follows:

151 27 7. To establish an effective system for the collection of  
151 28 delinquent loans, including the adoption of an agreement with  
151 29 the  ~~Iowa~~ department of ~~revenue and finance~~ administrative  
151 30 services to set off against a defaulter's income tax refund or  
151 31 rebate the amount that is due because of a default on a  
151 32 guaranteed or parental loan made under this division. The  
151 33 commission shall adopt rules under chapter 17A necessary to  
151 34 assist the department of ~~revenue and finance~~ administrative  
151 35 services in the implementation of the student loan setoff

152 1 program as established under section ~~421.17, subsection 23~~  
152 2 8A.504.

152 3 Sec. 229. Section 261A.6, subsection 10, Code 2003, is  
152 4 amended to read as follows:

152 5 10. All employees of the authority are exempt from  
152 6 ~~chapters 19A chapter 8A, article 4, and chapter 97B~~.

152 7 Sec. 230. Section 262.9, subsection 6, Code 2003, is  
152 8 amended to read as follows:

152 9 6. Purchase and use recycled printing and writing paper,  
152 10 with the exception of specialized paper when no recyclable  
152 11 product is available, in accordance with the schedule  
152 12 established in section ~~18.18~~ 8A.315; establish a wastepaper  
152 13 recycling program for all institutions governed by the board  
152 14 in accordance with recommendations made by the department of  
152 15 natural resources and the requirements of section ~~18.20~~  
152 16 8A.329; shall, in accordance with the requirements of section  
152 17 ~~18.6~~ 8A.311, require product content statements and compliance  
152 18 with requirements regarding procurement specifications; and  
152 19 shall comply with the requirements for the purchase of  
152 20 lubricating oils and industrial oils as established pursuant  
152 21 to section ~~18.22~~ 8A.316.

152 22 Sec. 231. Section 262.25A, subsection 1, Code 2003, is  
152 23 amended to read as follows:

152 24 1. Institutions under the control of the state board of  
152 25 regents shall purchase only new automobiles which have at  
152 26 least the fuel economy required for purchase of new  
152 27 automobiles by the ~~state fleet administrator~~ director of the  
152 28 department of administrative services under section ~~18.115~~

152 29 8A.362, subsection 4. This subsection does not apply to  
152 30 automobiles purchased for law enforcement purposes.

152 31 Sec. 232. Section 262.25B, Code 2003, is amended to read  
152 32 as follows:

152 33 262.25B PURCHASE OF BIO=BASED HYDRAULIC FLUIDS, GREASES,  
152 34 AND OTHER INDUSTRIAL LUBRICANTS.

152 35 The state board of regents and institutions under the  
153 1 control of the board purchasing hydraulic fluids, greases, and  
153 2 other industrial lubricants shall give preference to  
153 3 purchasing bio-based hydraulic fluids, greases, and other  
153 4 industrial lubricants as provided in section ~~18.22~~ 8A.316.

153 5 Sec. 233. Section 272C.7, subsection 1, Code 2003, is  
153 6 amended to read as follows:

153 7 1. As an alternative to authority contained elsewhere in  
153 8 this chapter, a licensing board may employ within the limits  
153 9 of available funds an executive secretary, one or more  
153 10 inspectors, and such clerical personnel as may be necessary  
153 11 for the administration of the duties of the board. Employees  
153 12 of the board shall be employed subject to chapter ~~19A~~ 8A,  
153 13 article 4. The qualifications of the executive secretary  
153 14 shall be determined by the board.

153 15 Sec. 234. Section 298.14, Code 2003, is amended to read as  
153 16 follows:

153 17 298.14 SCHOOL DISTRICT INCOME SURTAXES.

153 18 For each fiscal year, the cumulative total of the percents  
153 19 of surtax approved by the board of directors of a school  
153 20 district and collected by the department of revenue ~~and~~

~~153 21 finance~~ under sections 257.21, 257.29, and 298.2, and the  
153 22 enrichment surtax under section 442.15, Code 1989, and an  
153 23 income surtax collected by a political subdivision under  
153 24 chapter 422D, shall not exceed twenty percent.  
153 25 A school district income surtax fund is created in the  
153 26 office of treasurer of state. Income surtaxes collected by  
153 27 the department of revenue ~~and finance~~ under sections 257.21,  
153 28 257.29, and 298.2 and section 442.15, Code 1989, shall be  
153 29 deposited in the school district income surtax fund to the  
153 30 credit of each school district. A separate accounting of each  
153 31 surtax, by school district, shall be maintained.  
153 32 The director of ~~revenue and finance~~ the department of  
153 33 administrative services shall draw warrants in payment of the  
153 34 surtaxes collected in each school district. Warrants shall be  
153 35 payable in two installments to be paid on approximately the  
154 1 first day of December and the first day of February following  
154 2 collection of the taxes and shall be delivered to the  
154 3 respective school districts.  
154 4 Sec. 235. Section 303.1A, subsection 5, Code 2003, is  
154 5 amended to read as follows:  
154 6 5. Appoint and approve the technical, professional,  
154 7 secretarial, and clerical staff necessary to accomplish the  
154 8 purposes of the department subject to chapter ~~19A~~ 8A, article  
154 9 4.  
154 10 Sec. 236. Section 303.2, subsection 2, paragraph i, Code  
154 11 2003, is amended to read as follows:  
154 12 i. Buy or receive by other means historical materials  
154 13 including, but not limited to, artifacts, art, books,  
154 14 manuscripts, and images. Such materials are not personal  
154 15 property under ~~section 18.12~~ sections 8A.321 and 8A.324 and  
154 16 shall be received and cared for under the rules of the  
154 17 department. The historical division may sell or otherwise  
154 18 dispose of those materials according to the rules of the  
154 19 department and be credited for any revenues credited by the  
154 20 disposal less the costs incurred.  
154 21 Sec. 237. Section 303.9, subsection 2, Code 2003, is  
154 22 amended to read as follows:  
154 23 2. The department may sell mementos and other items  
154 24 relating to Iowa history and historic sites on the premises of  
154 25 property under control of the department and at the state  
154 26 capitol. Notwithstanding sections ~~18.12~~ 8A.321 and ~~18.16~~  
154 27 8A.327, the department may directly and independently enter  
154 28 into rental and lease agreements with private vendors for the  
154 29 purpose of selling mementos. All fees and income produced by  
154 30 the sales and rental or lease agreements shall be credited to  
154 31 the account of the department. The mementos and other items  
154 32 sold by the department or vendors under this subsection are  
154 33 exempt from section ~~18.6~~ 8A.311. The department is not a  
154 34 retailer under chapter 422 and the sale of such mementos and  
154 35 other items by the department is not a retail sale under  
155 1 chapter 422 and is exempt from the sales tax.  
155 2 Sec. 238. Section 304.3, subsections 8 and 9, Code 2003,  
155 3 are amended to read as follows:  
155 4 8. The director of the department of ~~general~~  
155 5 administrative services.  
155 6 ~~9. The director of the information technology department.~~  
155 7 Sec. 239. Section 307.12, subsection 2, Code 2003, is  
155 8 amended to read as follows:  
155 9 2. Employ personnel as necessary to carry out the duties  
155 10 and responsibilities of the department, consistent with  
155 11 chapter ~~19A~~ 8A, article 4.  
155 12 Sec. 240. Section 307.12, unnumbered paragraph 2, Code  
155 13 2003, is amended to read as follows:  
155 14 If in the interest of the state, the director may allow a  
155 15 subsistence expense to an employee under the supervision of  
155 16 the department's administrator for highways for continuous  
155 17 stay in one location while on duty away from established head-  
155 18 quarters and place of domicile for a period not to exceed  
155 19 forty-five days; and allow automobile expenses in accordance  
155 20 with section ~~18.117~~ 8A.363, for moving an employee and the  
155 21 employee's family from place of present domicile to new  
155 22 domicile, and actual transportation expense for moving of  
155 23 household goods. The household goods for which transportation  
155 24 expense is allowed shall not include pets or animals.  
155 25 Sec. 241. Section 307.21, subsection 4, paragraphs a and  
155 26 b, Code 2003, are amended to read as follows:  
155 27 a. Provide centralized purchasing services for the  
155 28 department, in cooperation with the department of ~~general~~  
155 29 administrative services. The administrator shall, when the  
155 30 price is reasonably competitive and the quality as intended,  
155 31 purchase soybean-based inks and plastic products with recycled

155 32 content, including but not limited to plastic garbage can  
155 33 liners, and shall purchase these items in accordance with the  
155 34 schedule established in section ~~18.18~~ 8A.315. However, the  
155 35 administrator need not purchase garbage can liners in  
156 1 accordance with the schedule if the liners are utilized by a  
156 2 facility approved by the environmental protection commission  
156 3 created under section 455A.6, for purposes of recycling. For  
156 4 purposes of this subsection, "recycled content" means that the  
156 5 content of the product contains a minimum of thirty percent  
156 6 postconsumer material.

156 7 b. The administrator shall do all of the following:

156 8 (1) Purchase and use recycled printing and writing paper  
156 9 in accordance with the schedule established in section ~~18.18~~  
156 10 8A.315.

156 11 (2) Establish a wastepaper recycling program ~~by January 1,~~  
156 12 ~~1990,~~ in accordance with recommendations made by the  
156 13 department of natural resources and the requirements of  
156 14 section ~~18.20~~ 8A.329.

156 15 (3) Require in accordance with section ~~18.6~~ 8A.311 product  
156 16 content statements and compliance with requirements regarding  
156 17 procurement specifications.

156 18 (4) Comply with the requirements for the purchase of  
156 19 lubricating oils, industrial oils, greases, and hydraulic  
156 20 fluids as established pursuant to section ~~18.22~~ 8A.316.

156 21 Sec. 242. Section 307.21, unnumbered paragraph 2, Code  
156 22 2003, is amended to read as follows:

156 23 The administrator of administrative services may purchase  
156 24 items from the department of ~~general administrative~~ services  
156 25 and may cooperate with the director of ~~general the department~~  
156 26 ~~of administrative~~ services by providing ~~centralized~~ purchasing  
156 27 services for the department of ~~general administrative~~  
156 28 services.

156 29 Sec. 243. Section 313.4, subsection 3, Code 2003, is  
156 30 amended to read as follows:

156 31 3. There is appropriated from funds appropriated to the  
156 32 department which would otherwise revert to the primary road  
156 33 fund pursuant to the provisions of the Act appropriating the  
156 34 funds or chapter 8, an amount sufficient to pay the increase  
156 35 in salaries, which increase is not otherwise provided for by  
157 1 the general assembly in an appropriation bill, resulting from  
157 2 the annual review of the merit pay plan as provided in  
157 3 ~~subsection 2 of section 19A.9~~ 8A.413, subsection 2. The  
157 4 appropriation herein provided shall be in effect from the  
157 5 effective date of the revised pay plan to the end of the  
157 6 fiscal biennium in which it becomes effective.

157 7 Sec. 244. Section 321.19, subsection 1, unnumbered  
157 8 paragraph 2, Code 2003, is amended to read as follows:

157 9 The department shall furnish, on application, free of  
157 10 charge, distinguishing plates for vehicles thus exempted,  
157 11 which plates except plates on Iowa state patrol vehicles shall  
157 12 bear the word "official" and the department shall keep a  
157 13 separate record. Registration plates issued for Iowa state  
157 14 patrol vehicles, except unmarked patrol vehicles, shall bear  
157 15 two red stars on a yellow background, one before and one  
157 16 following the registration number on the plate, which  
157 17 registration number shall be the officer's badge number.  
157 18 Registration plates issued for county sheriff's patrol  
157 19 vehicles shall display one seven-pointed gold star followed by  
157 20 the letter "S" and the call number of the vehicle. However,  
157 21 the director of ~~general the department of administrative~~  
157 22 services or the director of transportation may order the  
157 23 issuance of regular registration plates for any exempted  
157 24 vehicle used by peace officers in the enforcement of the law,  
157 25 persons enforcing chapter 124 and other laws relating to  
157 26 controlled substances, persons in the department of justice,  
157 27 the alcoholic beverages division of the department of  
157 28 commerce, disease investigators of the Iowa department of  
157 29 public health, the department of inspections and appeals, and  
157 30 the department of revenue ~~and finance~~, who are regularly  
157 31 assigned to conduct investigations which cannot reasonably be  
157 32 conducted with a vehicle displaying "official" state  
157 33 registration plates, persons in the lottery division of the  
157 34 department of revenue and finance whose regularly assigned  
157 35 duties relating to security or the carrying of lottery tickets  
158 1 cannot reasonably be conducted with a vehicle displaying  
158 2 "official" registration plates, and persons in the department  
158 3 of economic development who are regularly assigned duties  
158 4 relating to existing industry expansion or business  
158 5 attraction. For purposes of sale of exempted vehicles, the  
158 6 exempted governmental body, upon the sale of the exempted  
158 7 vehicle, may issue for in-transit purposes a pasteboard card

158 8 bearing the words "Vehicle in Transit", the name of the  
158 9 official body from which the vehicle was purchased, together  
158 10 with the date of the purchase plainly marked in at least one=  
158 11 inch letters, and other information required by the  
158 12 department. The in-transit card is valid for use only within  
158 13 forty-eight hours after the purchase date as indicated on the  
158 14 bill of sale which shall be carried by the driver.

158 15 Sec. 245. Section 321.30, subsection 13, Code 2003, is  
158 16 amended to read as follows:

158 17 13. The department or the county treasurer knows that an  
158 18 applicant for renewal of a registration has a delinquent  
158 19 account, charge, fee, loan, taxes, or other indebtedness owed  
158 20 to or being collected by the state, from information received  
158 21 pursuant to ~~section sections~~ 421.17 and 8A.504. An applicant  
158 22 may contest this action by requesting a contested case  
158 23 proceeding from the agency that referred the debt for  
158 24 collection pursuant to section ~~421.17~~ 8A.504. This subsection  
158 25 shall apply only to a renewal of registration and shall not  
158 26 apply to the issuance of an original registration or to the  
158 27 issuance of a certificate of title.

158 28 Sec. 246. Section 321.31, subsection 1, unnumbered  
158 29 paragraph 3, Code 2003, is amended to read as follows:

158 30 The director shall maintain a records system of delinquent  
158 31 accounts owed to the state using information provided through  
158 32 the computerized data bank established in section 421.17. The  
158 33 department and county treasurers shall use the information  
158 34 maintained in the records system to determine if applicants  
158 35 for renewal of registration have delinquent accounts, charges,  
159 1 fees, loans, taxes, or other indebtedness owed to or being  
159 2 collected by the state as provided pursuant to section ~~421.17~~

159 3 8A.504. The director, the director of the department of  
159 4 administrative services, and the director of revenue ~~and~~  
159 5 ~~finance~~ shall establish procedures for updating the delinquent  
159 6 accounts records to add and remove accounts, as applicable.

159 7 Sec. 247. Section 321.35, unnumbered paragraph 2, Code  
159 8 2003, is amended to read as follows:

159 9 The department shall not enter into any contract requiring  
159 10 an expenditure of at least five hundred thousand dollars for  
159 11 the manufacture of motor vehicle registration plates to be  
159 12 reissued to owners under this chapter unless competitive  
159 13 bidding procedures as provided in chapter ~~18~~ 8A, article 3,  
159 14 are followed.

159 15 Sec. 248. Section 321.40, unnumbered paragraph 6, Code  
159 16 2003, is amended to read as follows:

159 17 The county treasurer shall refuse to renew the registration  
159 18 of a vehicle registered to the applicant if the county  
159 19 treasurer knows that the applicant has a delinquent account,  
159 20 charge, fee, loan, taxes, or other indebtedness owed to or  
159 21 being collected by the state, from information provided  
159 22 pursuant to ~~section sections~~ 8A.504 and 421.17. An applicant  
159 23 may contest this action by requesting a contested case  
159 24 proceeding from the agency that referred the debt for  
159 25 collection pursuant to section ~~421.17~~ 8A.504.

159 26 Sec. 249. Section 321.149, Code 2003, is amended to read  
159 27 as follows:

159 28 321.149 BLANKS.

159 29 The department shall not later than November 15 of each  
159 30 year prepare and furnish the treasurer of each county all  
159 31 blank books, blank forms, and all supplies required for the  
159 32 administration of this chapter, including applications for  
159 33 registration and transfer of vehicles, quintuple receipts, and  
159 34 original remittance sheets to be used in remitting fees to the  
159 35 department, in such form as the department may prescribe.

160 1 Contracts for the blank books, blank forms, and supplies shall  
160 2 be awarded by the ~~state printing administrator~~ director of the  
160 3 department of administrative services to persons, firms,

160 4 partnerships, or corporations engaged in the business of  
160 5 printing in Iowa unless, or through them, the persons, firms,  
160 6 partnerships or corporations cannot provide the required  
160 7 printing set forth in this section. In lieu of purchasing  
160 8 under competitive bids the ~~state printing administrator~~  
160 9 director of the department of administrative services shall  
160 10 have authority to arrange with the director of the department  
160 11 of corrections to furnish the supplies as can be made in the  
160 12 state institutions.

160 13 Sec. 250. Section 321.210B, Code 2003, is amended to read  
160 14 as follows:

160 15 321.210B NONRENEWAL OR SUSPENSION FOR FAILURE TO PAY  
160 16 INDEBTEDNESS OWED TO THE STATE.

160 17 The department shall suspend or refuse to renew the  
160 18 driver's license of a person who has a delinquent account owed

160 19 to the state according to records provided by the department  
160 20 of revenue ~~and finance~~ pursuant to section 421.17. A license  
160 21 shall be suspended or shall not be renewed until such time as  
160 22 the department of ~~revenue and finance~~ administrative services  
160 23 notifies the state department of transportation that the  
160 24 licensee has made arrangements for payment of the debt with  
160 25 the agency which is owed or is collecting the debt. This  
160 26 section is only applicable to those persons residing in a  
160 27 county which is participating in the driver's license  
160 28 indebtedness clearance pilot project.  
160 29 Sec. 251. Section 331.502, subsection 3, Code 2003, is  
160 30 amended by striking the subsection.  
160 31 Sec. 252. Section 331.552, subsection 5, Code 2003, is  
160 32 amended to read as follows:  
160 33 5. Account for, report, and pay into the state treasury  
160 34 any money, property, or securities received on behalf of the  
160 35 state as provided in sections ~~421.32~~ 8A.506 to ~~421.34~~ 8A.508.  
161 1 Sec. 253. Section 405A.10, Code 2003, is amended to read  
161 2 as follows:  
161 3 405A.10 FRANCHISE TAX REVENUE ALLOCATION.  
161 4 For the fiscal year beginning July 1, 1997, and each  
161 5 subsequent fiscal year, there is appropriated from the general  
161 6 fund of the state to the department of revenue and finance the  
161 7 sum of eight million eight hundred thousand dollars which  
161 8 shall be paid quarterly on warrants by the director of the  
161 9 department of administrative services as allocated pursuant to  
161 10 section 422.65.  
161 11 Sec. 254. Section 421.17, subsections 21, 23, 24, 25, 26,  
161 12 28, 29, 30, and 33, Code 2003, are amended by striking the  
161 13 subsections.  
161 14 Sec. 255. Section 422.12A, subsection 2, Code 2003, is  
161 15 amended to read as follows:  
161 16 2. The director of revenue ~~and finance~~ shall draft the  
161 17 income tax form to allow the designation of contributions to  
161 18 the keep Iowa beautiful fund on the tax return. The  
161 19 department of revenue ~~and finance~~, on or before January 31,  
161 20 shall certify the total amount designated on the tax return  
161 21 forms due in the preceding calendar year and shall report the  
161 22 amount to the treasurer of state. The treasurer of state  
161 23 shall credit the amount to the keep Iowa beautiful fund.  
161 24 However, before a checkoff pursuant to this section shall be  
161 25 permitted, all liabilities on the books of the department of  
161 26 revenue ~~and finance~~ and accounts identified as owing under  
161 27 section 421.17 and the political contribution allowed under  
161 28 section 56.18 shall be satisfied.  
161 29 Sec. 256. Section 422.20, subsection 3, unnumbered  
161 30 paragraph 1, Code 2003, is amended to read as follows:  
161 31 Unless otherwise expressly permitted by section 8A.504,  
161 32 section 421.17, subsections ~~21~~, 22, 22A, ~~23~~, ~~25~~, ~~29~~, and 32,  
161 33 sections 252B.9, 421.19, 421.28, 422.72, and 452A.63, and this  
161 34 section, a tax return, return information, or investigative or  
161 35 audit information shall not be divulged to any person or  
162 1 entity, other than the taxpayer, the department, or internal  
162 2 revenue service for use in a matter unrelated to tax  
162 3 administration.  
162 4 Sec. 257. Section 422.72, subsection 3, unnumbered  
162 5 paragraph 1, Code 2003, is amended to read as follows:  
162 6 Unless otherwise expressly permitted by section 8A.504,  
162 7 section 421.17, subsections ~~21~~, 22, 22A, ~~23~~, ~~25~~, ~~29~~, and 32,  
162 8 sections 252B.9, 421.19, 421.28, 422.20, and 452A.63, and this  
162 9 section, a tax return, return information, or investigative or  
162 10 audit information shall not be divulged to any person or  
162 11 entity, other than the taxpayer, the department, or internal  
162 12 revenue service for use in a matter unrelated to tax  
162 13 administration.  
162 14 Sec. 258. Section 425.1, subsection 1, Code 2003, is  
162 15 amended to read as follows:  
162 16 1. A homestead credit fund is created. There is  
162 17 appropriated annually from the general fund of the state to  
162 18 the department of revenue ~~and finance~~ to be credited to the  
162 19 homestead credit fund, an amount sufficient to implement this  
162 20 chapter.  
162 21 The director of ~~revenue and finance~~ the department of  
162 22 administrative services shall issue warrants on the homestead  
162 23 credit fund payable to the county treasurers of the several  
162 24 counties of the state under this chapter.  
162 25 Sec. 259. Section 432.13, unnumbered paragraph 2, Code  
162 26 2003, is amended to read as follows:  
162 27 Premiums received for benefits acquired by the department  
162 28 of ~~personnel~~ administrative services on behalf of state  
162 29 employees pursuant to section ~~19A.1~~ 8A.402, subsection ~~2~~ 1,

162 30 are exempt from premium tax.  
162 31 Sec. 260. Section 450.84, Code 2003, is amended to read as  
162 32 follows:  
162 33 450.84 COSTS CHARGED AGAINST ESTATE == EXCEPTIONS.  
162 34 If an estate or interest in an estate passes so as to be  
162 35 liable to taxation under this chapter, all costs of the  
163 1 proceedings for the assessment of the tax are chargeable to  
163 2 the estate as other costs in probate proceedings and, to  
163 3 discharge the lien, all costs as well as the taxes must be  
163 4 paid. In all other cases the costs are to be paid as ordered  
163 5 by the court. When a decision adverse to the state has been  
163 6 rendered, with an order that the state pay the costs, the  
163 7 clerk of the court in which the action was pending shall  
163 8 certify the amount of the costs to the director of revenue ~~and~~  
~~163 9 finance~~, who shall, if the costs are correctly certified and  
163 10 the case has been finally terminated and the tax, if any is  
163 11 due, has been paid, audit the claim and direct the department  
~~163 12 of administrative services to issue a warrant on the treasurer~~  
163 13 of state in payment of the costs.  
163 14 Sec. 261. Section 452A.77, unnumbered paragraph 1, Code  
163 15 2003, is amended to read as follows:  
163 16 All fees, taxes, interest and penalties imposed under this  
163 17 chapter must be paid to the department of revenue ~~and finance~~  
163 18 or the state department of transportation, whichever is  
163 19 responsible for the collection. The appropriate state agency  
163 20 shall transmit each payment daily to the treasurer of state.  
163 21 Such payments shall be deposited by the treasurer of state in  
163 22 a fund, hereby created, within the state treasury which shall  
163 23 be known as the "motor fuel tax fund," the net proceeds of  
163 24 which fund, after deductions by lawful transfers and refunds,  
163 25 shall be known as the "motor vehicle fuel tax fund". The  
163 26 department of revenue ~~and finance~~ and the state department of  
163 27 transportation shall certify monthly to the director of  
163 28 ~~revenue and finance the department of administrative services~~  
163 29 amounts of refunds of tax approved during each month, and the  
163 30 director of ~~revenue and finance the department of~~  
~~163 31 administrative services~~ shall draw warrants in such amounts on  
163 32 the motor fuel tax fund and transmit them. There is hereby  
163 33 appropriated out of the money received under the provisions of  
163 34 this chapter and deposited in the motor fuel tax fund  
163 35 sufficient funds to pay such refunds as may be authorized in  
164 1 this chapter.  
164 2 Sec. 262. Section 455A.4, subsection 1, paragraph e, Code  
164 3 2003, is amended to read as follows:  
164 4 e. Employ personnel as necessary to carry out the  
164 5 functions vested in the department consistent with chapter ~~19A~~  
164 6 ~~8A, article 4~~, unless the positions are exempt from that  
164 7 ~~chapter article~~.  
164 8 Sec. 263. Section 455G.3, subsection 5, Code 2003, is  
164 9 amended to read as follows:  
164 10 5. For purposes of payment of refunds of the environmental  
164 11 protection charge under section 424.15 by the department of  
164 12 revenue ~~and finance~~, the treasurer of state shall allocate to  
164 13 the department of ~~revenue and finance~~ administrative services  
164 14 the total amount budgeted by the fund's board for  
164 15 environmental protection charge refunds. Any unused funds  
164 16 shall be remitted to the treasurer of state.  
164 17 Sec. 264. Section 459.505, subsection 2, paragraph b, Code  
164 18 2003, is amended to read as follows:  
164 19 b. Obtain a lower fixed amount bid for the work from  
164 20 another qualified person, other than a governmental entity,  
164 21 and pay the amount of the claim required in this section,  
164 22 based on the fixed amount in this bid upon completion of the  
164 23 work. The department is not required to comply with section  
164 24 ~~18-6 8A.311~~ in implementing this section.  
164 25 Sec. 265. Section 474.1, unnumbered paragraph 2, Code  
164 26 2003, is amended to read as follows:  
164 27 The utilities board shall organize by appointing an  
164 28 executive secretary, who shall take the same oath as the  
164 29 members. The board shall set the salary of the executive  
164 30 secretary within the limits of the pay plan for exempt  
164 31 positions provided for in section ~~19A-9~~ 8A.413, subsection 2,  
164 32 unless otherwise provided by the general assembly. The board  
164 33 may employ additional personnel as it finds necessary.  
164 34 Subject to confirmation by the senate, the governor shall  
164 35 appoint a member as the chairperson of the board. The  
165 1 chairperson shall be the administrator of the utilities  
165 2 division. The appointment as chairperson shall be for a two=  
165 3 year term which begins and ends as provided in section 69.19.  
165 4 Sec. 266. Section 474.10, Code 2003, is amended to read as  
165 5 follows:

165 6 474.10 GENERAL COUNSEL.

165 7 The board shall employ a competent attorney to serve as its  
165 8 general counsel, and assistants to the general counsel as it  
165 9 finds necessary for the full and efficient discharge of its  
165 10 duties. The general counsel is the attorney for, and legal  
165 11 advisor of, the board and is exempt from the merit system  
165 12 provisions of chapter ~~19A~~ 8A, article 4. Assistants to the  
165 13 general counsel are subject to the merit system provisions of  
165 14 chapter ~~19A~~ 8A, article 4. The general counsel or an  
165 15 assistant to the general counsel shall provide the necessary  
165 16 legal advice to the board in all matters and represent the  
165 17 board in all actions instituted in a state or federal court  
165 18 challenging the validity of a rule or order of the board. The  
165 19 existence of a fact which disqualifies a person from election  
165 20 or from acting as a utilities board member disqualifies the  
165 21 person from employment as general counsel or assistant general  
165 22 counsel. The general counsel shall devote full time to the  
165 23 duties of the office. During employment the counsel shall not  
165 24 be a member of a political committee, contribute to a  
165 25 political campaign fund other than through the income tax  
165 26 checkoff for contributions to the Iowa election campaign fund  
165 27 and the presidential election campaign fund, participate in a  
165 28 political campaign, or be a candidate for a political office.

165 29 Sec. 267. Section 475A.3, subsection 2, Code 2003, is  
165 30 amended to read as follows:

165 31 2. EMPLOYEES. The consumer advocate may employ attorneys,  
165 32 legal assistants, secretaries, clerks, and other employees the  
165 33 consumer advocate finds necessary for the full and efficient  
165 34 discharge of the duties and responsibilities of the office.  
165 35 The consumer advocate may employ consultants as expert  
166 1 witnesses or technical advisors pursuant to contract as the  
166 2 consumer advocate finds necessary for the full and efficient  
166 3 discharge of the duties of the office. Employees of the  
166 4 consumer advocate division, other than the consumer advocate,  
166 5 are subject to merit employment, except as provided in section  
166 6 ~~19A.3~~ 8A.412.

166 7 Sec. 268. Section 502.601, subsection 1, Code 2003, is  
166 8 amended to read as follows:

166 9 1. This chapter shall be administered by the commissioner  
166 10 of insurance of the state of Iowa. The administrator shall  
166 11 appoint a deputy administrator who shall be exempt from the  
166 12 merit system provided for in chapter ~~19A~~ 8A, article 4. The  
166 13 deputy administrator is the principal operations officer of  
166 14 the securities bureau and is responsible to the administrator  
166 15 for the routine administration of the chapter and the  
166 16 management of the securities bureau. In the absence of the  
166 17 administrator, whether because of vacancy in the office, by  
166 18 reason of absence, physical disability, or other cause, the  
166 19 deputy administrator shall be the acting administrator and  
166 20 shall, for the time being, have and exercise the authority  
166 21 conferred upon the administrator. The administrator may by  
166 22 order from time to time delegate to the deputy administrator  
166 23 any or all of the functions assigned to the administrator in  
166 24 this chapter. The administrator shall employ officers,  
166 25 attorneys, accountants, and other employees as needed for the  
166 26 administration of the chapter.

166 27 Sec. 269. Section 505.4, unnumbered paragraph 2, Code  
166 28 2003, is amended to read as follows:

166 29 The commissioner may appoint a deputy commissioner for  
166 30 supervision whom the commissioner may appoint as supervisory  
166 31 or special deputy pursuant to chapter 507C and who shall  
166 32 perform such other duties as may be assigned by the  
166 33 commissioner. The deputy commissioner for supervision shall  
166 34 receive a salary to be fixed by the commissioner. The deputy  
166 35 commissioner for supervision shall be ~~an exempt employee from~~  
167 1 ~~the merit system provisions of chapter 8A, article 4, under~~

167 2 section ~~19A.3~~ 8A.412, subsection 17.

167 3 Sec. 270. Section 507.5, Code 2003, is amended to read as  
167 4 follows:

167 5 507.5 CHIEF EXAMINER.

167 6 The commissioner may appoint a chief examiner who shall  
167 7 supervise insurance company examinations and perform such  
167 8 other duties as may be assigned by the commissioner. The  
167 9 chief examiner shall receive a salary to be fixed by the  
167 10 commissioner. The chief examiner shall be ~~an exempt employee~~  
167 11 ~~from the merit system provisions of chapter 8A, article 4,~~  
167 12 under section ~~19A.3~~ 8A.412, subsection 17.

167 13 Sec. 271. Section 602.1204, subsection 3, Code 2003, is  
167 14 amended to read as follows:

167 15 3. The supreme court shall compile and publish all  
167 16 procedures and directives relating to the supervision and



167 17 administration of the internal affairs of the judicial branch,  
167 18 and shall distribute a copy of the compilation and all  
167 19 amendments to each operating component of the judicial branch.  
167 20 ~~Copies also shall be distributed to agencies referred to in~~  
167 21 ~~section 18.97 upon request.~~  
167 22 Sec. 272. Section 602.8102, subsection 58A, Code 2003, is  
167 23 amended to read as follows:  
167 24 58A. Assist the department of ~~revenue and finance~~  
167 25 ~~administrative services~~ in setting off against debtors' income  
167 26 tax refunds or rebates under section ~~421.17, subsection 25~~  
167 27 ~~8A.504~~, debts which are due, owing, and payable to the clerk  
167 28 of the district court as criminal fines, civil penalties,  
167 29 surcharges, or court costs.  
167 30 Sec. 273. Section 602.8107, subsection 4, unnumbered  
167 31 paragraph 2, Code 2003, is amended to read as follows:  
167 32 This subsection does not apply to amounts collected for  
167 33 victim restitution, the victim compensation fund, criminal  
167 34 penalty surcharge, law enforcement initiative surcharge,  
167 35 amounts collected as a result of procedures initiated under  
168 1 subsection 5 or under section ~~421.17, subsection 25~~ ~~8A.504~~, or  
168 2 sheriff's room and board fees.  
168 3 Sec. 274. Section 618.11, Code 2003, is amended to read as  
168 4 follows:  
168 5 618.11 FEES FOR PUBLICATION.  
168 6 The compensation, when not otherwise fixed, for the  
168 7 publication in a newspaper of any notice, order, citation, or  
168 8 other publication required or allowed by law shall be at a  
168 9 rate of thirty-four cents for one insertion and twenty-three  
168 10 cents for each subsequent insertion for each line of eight  
168 11 point type two inches in length, or its equivalent. Beginning  
168 12 June 1, 2001, and each June 1 thereafter, the ~~state printing~~  
168 13 ~~administrator~~ director of the department of administrative  
168 14 services shall calculate a new rate for the following fiscal  
168 15 year as prescribed in this section, and shall publish this  
168 16 rate as a notice in the Iowa administrative bulletin prior to  
168 17 the first day of the following calendar month. The new rate  
168 18 shall be effective on the first day of the calendar month  
168 19 following its publication. The rate shall be calculated by  
168 20 applying the percentage change in the consumer price index for  
168 21 all urban consumers for the last available twelve-month period  
168 22 published in the federal register by the federal department of  
168 23 labor, bureau of labor statistics, to the existing rate as an  
168 24 increase or decrease in the rate rounded to the nearest one=  
168 25 tenth of a cent. The calculation and publication of the rate  
168 26 by the ~~state printing administrator~~ director of the department  
168 27 of administrative services shall be exempt from the provisions  
168 28 of chapters 17A and 25B.  
168 29 Sec. 275. Section 625.29, subsection 1, paragraph g, Code  
168 30 2003, is amended to read as follows:  
168 31 g. The proceeding involved the department of ~~personnel~~  
168 32 ~~under administrative services under chapter 19A~~ 8A, article 4.  
168 33 Sec. 276. Section 691.1, Code 2003, is amended to read as  
168 34 follows:  
168 35 691.1 LABORATORY CREATED.  
169 1 There is hereby created under the control, direction and  
169 2 supervision of the commissioner of public safety a state  
169 3 criminalistics laboratory. The commissioner of public safety  
169 4 may assign the criminalistics laboratory to a division or  
169 5 bureau within the public safety department. The laboratory  
169 6 shall, within its capabilities, conduct analyses, comparative  
169 7 studies, fingerprint identification, firearms identification,  
169 8 questioned documents studies, and other studies normally  
169 9 performed by a criminalistics laboratory when requested by a  
169 10 county attorney, medical examiner, or law enforcement agency  
169 11 of this state to aid in any criminal investigation. Agents of  
169 12 the division of criminal investigation and bureau of  
169 13 identification may be assigned to the criminalistics  
169 14 laboratory by the commissioner. New employees shall be  
169 15 appointed pursuant to chapter ~~19A~~ 8A, article 4, and need not  
169 16 qualify as agents for the division of criminal investigation  
169 17 and bureau of identification, and shall not participate in the  
169 18 peace officers' retirement plan established pursuant to  
169 19 chapter 97A.  
169 20 Sec. 277. Section 809A.17, subsection 4, Code 2003, is  
169 21 amended to read as follows:  
169 22 4. Forfeited property which is not used by the department  
169 23 of justice in the enforcement of the law may be requisitioned  
169 24 by the department of public safety or any law enforcement  
169 25 agency within the state for use in enforcing the criminal laws  
169 26 of this state. Forfeited property not requisitioned may be  
169 27 delivered to the director of the department of general

169 28 services to be disposed of in the same manner as property  
169 29 received pursuant to section ~~18-15~~ 8A.325.  
169 30 Sec. 278. Section 904.108, subsection 1, paragraph e, Code  
169 31 2003, is amended to read as follows:  
169 32 e. Employ, assign, and reassign personnel as necessary for  
169 33 the performance of duties and responsibilities assigned to the  
169 34 department. Employees shall be selected on the basis of  
169 35 fitness for work to be performed with due regard to training  
170 1 and experience and are subject to chapter ~~19A~~ 8A, article 4.  
170 2 Sec. 279. Section 904.108, subsection 3, Code 2003, is  
170 3 amended to read as follows:  
170 4 3. The director may establish a sales bonus system for the  
170 5 sales representatives for prison industry products. If a  
170 6 sales bonus system is established, the system shall not affect  
170 7 the status of the sales representatives under chapter ~~19A~~ 8A,  
170 8 article 4.  
170 9 Sec. 280. Section 904.303, unnumbered paragraph 1, Code  
170 10 2003, is amended to read as follows:  
170 11 The director shall determine the number and compensation of  
170 12 subordinate officers and employees for each institution  
170 13 subject to chapter ~~19A~~ 8A, article 4. Subject to this  
170 14 chapter, the officers and employees shall be appointed and  
170 15 discharged by the superintendent who shall keep in the record  
170 16 of each subordinate officer and employee, the date of  
170 17 employment, the compensation, and the date of and the reasons  
170 18 for each discharge.  
170 19 Sec. 281. Section 904.312B, Code 2003, is amended to read  
170 20 as follows:  
170 21 904.312B PURCHASE OF BIO=BASED HYDRAULIC FLUIDS, GREASES,  
170 22 AND OTHER INDUSTRIAL LUBRICANTS.  
170 23 The department when purchasing hydraulic fluids, greases,  
170 24 and other industrial lubricants shall give preference to  
170 25 purchasing bio-based hydraulic fluids, greases, and other  
170 26 industrial lubricants as provided in section ~~18-22~~ 8A.316.  
170 27 Sec. 282. Section 904.315, unnumbered paragraph 1, Code  
170 28 2003, is amended to read as follows:  
170 29 The director of the department of ~~general administrative~~  
170 30 services shall, in writing, let all contracts for authorized  
170 31 improvements costing in excess of twenty-five thousand dollars  
170 32 under chapter ~~18~~ 8A, article 3. Upon prior authorization by  
170 33 the director, improvements costing five thousand dollars or  
170 34 less may be made by the superintendent of any institution.  
170 35 Sec. 283. Section 904.706, unnumbered paragraph 1, Code  
171 1 2003, is amended to read as follows:  
171 2 A revolving farm fund is created in the state treasury in  
171 3 which the department shall deposit receipts from agricultural  
171 4 products, nursery stock, agricultural land rentals, and the  
171 5 sale of livestock. However, before any agricultural operation  
171 6 is phased out, the department which proposes to discontinue  
171 7 this operation shall notify the governor, chairpersons and  
171 8 ranking members of the house and senate appropriations  
171 9 committees, and cochairpersons and ranking members of the  
171 10 subcommittee in the senate and house of representatives which  
171 11 has handled the appropriation for this department in the past  
171 12 session of the general assembly. Before the department sells  
171 13 farmland under the control of the department, the director  
171 14 shall notify the governor, chairpersons and ranking members of  
171 15 the house and senate appropriations committees, and  
171 16 cochairpersons and ranking members of the joint appropriations  
171 17 subcommittee that handled the appropriation for the department  
171 18 during the past session of the general assembly. The  
171 19 department may pay from the fund for the operation,  
171 20 maintenance, and improvement of farms and agricultural or  
171 21 nursery property under the control of the department. A  
171 22 purchase order for five thousand dollars or less payable from  
171 23 the fund is exempt from the general purchasing requirements of  
171 24 chapter ~~18~~ 8A, article 3. Notwithstanding section 8.33,  
171 25 unnumbered or unobligated receipts in the revolving farm  
171 26 fund at the end of a fiscal year shall not revert to the  
171 27 general fund of the state.  
171 28 Sec. 284. Section 904.808, subsection 1, paragraph b, Code  
171 29 2003, is amended to read as follows:  
171 30 b. When the state director releases, in writing, the  
171 31 obligation of the department or agency to purchase the product  
171 32 from Iowa state industries, after determining that Iowa state  
171 33 industries is unable to meet the performance characteristics  
171 34 of the purchase request for the product, and a copy of the  
171 35 release is attached to the request to the director of ~~revenue~~  
172 1 ~~and finance the department of administrative services for~~  
172 2 payment for a similar product, or when Iowa state industries  
172 3 is unable to furnish needed products, comparable in both

172 4 quality and price to those available from alternative sources,  
172 5 within a reasonable length of time. Any disputes arising  
172 6 between a purchasing department or agency and Iowa state  
172 7 industries regarding similarity of products, or comparability  
172 8 of quality or price, or the availability of the product, shall  
172 9 be referred to the director of the department of ~~general~~  
172 10 administrative services, whose decision shall be subject to  
172 11 appeal as provided in section ~~18-7~~ 8A.313. However, if the  
172 12 purchasing department is the department of ~~general~~  
172 13 administrative services, any matter which would be referred to  
172 14 the director under this paragraph shall be referred to the  
172 15 executive council in the same manner as if the matter were to  
172 16 be heard by the director of the department of ~~general~~  
172 17 administrative services. The decision of the executive  
172 18 council is final.

172 19 Sec. 285. Section 904A.4B, subsection 3, Code 2003, is  
172 20 amended to read as follows:

172 21 3. Hire and supervise all of the board's staff pursuant to  
172 22 the provisions of chapter ~~19A~~ 8A, article 4.

172 23 Sec. 286. AMENDMENTS CHANGING TERMINOLOGY == DIRECTIVE TO  
172 24 CODE EDITOR. Except as otherwise provided in this Act:

172 25 1. a. The Iowa Code editor is directed to strike the  
172 26 words "information technology department" and insert the words  
172 27 "department of administrative services" wherever the words  
172 28 "information technology department" appear in the Iowa Code  
172 29 unless a contrary intent is clearly evident.

172 30 b. The Iowa Code editor is directed to strike the words  
172 31 "director of the information technology department" or  
172 32 "information technology department director" and insert the  
172 33 words "director of the department of administrative services"  
172 34 wherever the words "director of the information technology  
172 35 department" or "information technology department director"  
173 1 appear in the Iowa Code unless a contrary intent is clearly  
173 2 evident.

173 3 2. a. The Iowa Code editor is directed to strike the  
173 4 words "department of general services" and insert the words  
173 5 "department of administrative services" wherever the words  
173 6 "department of general services" appear in the Iowa Code  
173 7 unless a contrary intent is clearly evident.

173 8 b. The Iowa Code editor is directed to strike the words  
173 9 "director of the department of general services" or "general  
173 10 services department director" and insert the words "director  
173 11 of the department of administrative services" wherever the  
173 12 words "director of the department of general services" or  
173 13 "general services department director" appear in the Iowa Code  
173 14 unless a contrary intent is clearly evident.

173 15 3. a. The Iowa Code editor is directed to strike the  
173 16 words "department of personnel" and insert the words  
173 17 "department of administrative services" wherever the words  
173 18 "department of personnel" appear in the Iowa Code unless a  
173 19 contrary intent is clearly evident.

173 20 b. The Iowa Code editor is directed to strike the words  
173 21 "director of the department of personnel" or "personnel  
173 22 department director" and insert the words "director of the  
173 23 department of administrative services" wherever the words  
173 24 "director of the department of personnel" or "personnel  
173 25 department director" appear in the Iowa Code unless a contrary  
173 26 intent is clearly evident.

173 27 4. a. Sections 1.15, 2.10, subsection 4, 2.12, 2.13,  
173 28 2B.10, subsection 4, 7.13, 7D.13, 7D.14, 8.35A, 11.20, 12.3,  
173 29 12.4, 12.5, 12.6, 12.8, 12.15, 12.26, 12B.16, 12B.17, 12B.18,  
173 30 15.354, 15E.112, 15E.117, 16.31, 17A.4, 25.2, 29C.14, 35.10,  
173 31 49A.9, 53.50, 56.3A, 56.22, 56.23, 74.9, 96.7, subsection 7,  
173 32 96.9, 96.14, 97.51, 97A.8, 97A.11, 97B.7, 97B.33, 100B.11,  
173 33 123.53, 152.3, 159.21, 159.23, 159A.7, 161.7, 161C.5,  
173 34 169A.13A, 175.22, subsection 3, 179.5, 186.5, 218.50, 218.57,  
173 35 218.86, 218.87, 225.22, 225.23, 225.28, 225.30, 225C.12,  
174 1 227.7, 229.35, 233B.14, 234.6, 249.8, 251.5, 255.24, 255.26,  
174 2 257B.11, 257B.18, 257B.35, 257B.37, 257B.39, 257B.40, 257B.42,  
174 3 257C.9, subsection 3, 261.4, 262.22, 262.29, 270.5, 270.6,  
174 4 270.7, 272.11, 272C.7, 298.11, 304A.29, 310.7, 313.18, 313.19,  
174 5 313.20, 313.28, 314.3, 315.7, 324A.5, 331.555, 452A.72,  
174 6 455B.107, 455B.183A, 455B.246, 456A.19, 456A.21, 459.401,  
174 7 459.501, 460.303, 473.11, 504A.63, 515.129, 518B.2, 518B.5,  
174 8 524.209, 533.62, 534.403, 546.10, 568.16, 568.20, 568.24,  
174 9 569.4, 602.1304, 602.9109, 641.5, 663.44, 679B.7, 820.24, and  
174 10 904.311, Code 2003, are amended by striking from the  
174 11 applicable section or subsection the words "director of  
174 12 revenue and finance" and inserting in lieu thereof the  
174 13 following: "director of the department of administrative  
174 14 services".

174 15 b. Sections 2.49, subsection 5, 8.34, 8.61, 8D.13,  
174 16 subsection 11, 11.28, 12.6, 12.14, 12.28, 12B.2, 12B.17,  
174 17 16.31, 16A.13, 22.7, subsection 32, 25.6, 74.9, 100B.11,  
174 18 175.22, 179.5, 181.13, 183A.7, 184.13, 184A.4, 185.26,  
174 19 185C.26, 252B.22, 255.24A, 256.12, 256.19, 256.20, 256D.4,  
174 20 257.32, 257B.1B, 257C.9, subsection 4, 260C.18B, subsection 4,  
174 21 260C.24, 282.28, 282.31, 283.1, 285.2, 294A.6, 294A.9,  
174 22 294A.22, 303.14, 313.7, 405A.9, 455G.5, 541A.3, 541A.5,  
174 23 602.8102, subsection 4, 602.9104, 633.545, 804.28, and  
174 24 904.507A, Code 2003, are amended by striking from the sections  
174 25 the words "department of revenue and finance" and inserting in  
174 26 lieu thereof the following: "department of administrative  
174 27 services".

174 28 c. Except as otherwise provided in this Act, the Iowa Code  
174 29 editor is directed to strike the words "revenue and finance"  
174 30 and insert the word "revenue" wherever the words "revenue and  
174 31 finance" appear in the Iowa Code and the reference to "revenue  
174 32 and finance" means the department of revenue and finance or  
174 33 the director of revenue and finance unless a contrary intent  
174 34 is clearly evident.

174 35 5. a. Except as otherwise provided in this Act, the Iowa  
175 1 Code editor is directed to strike the words "division" and  
175 2 "division's" and insert the words "system" and "system's"  
175 3 wherever the words "division" and "division's" appear in  
175 4 chapter 97B of the Iowa Code and the reference means the Iowa  
175 5 public employee's retirement system division of the department  
175 6 of personnel unless a contrary intent is clearly evident.

175 7 b. Except as otherwise provided in this Act, the Iowa Code  
175 8 editor is directed to strike the word "system" and insert the  
175 9 words "retirement system" in the following sections wherever  
175 10 "system" but not "retirement system" appears in chapter 97B of  
175 11 the Iowa Code and the reference means the retirement plan  
175 12 established under chapter 97B:

175 13 Sections 97B.1A, subsections 3, 7, 9, 11, 14, 26; 97B.4;  
175 14 97B.7A, subsection 1; 97B.8A, subsection 3, paragraph "b",  
175 15 97B.8A, subsections 4 and 5; 97B.8B; 97B.11; 97B.17; 97B.42A,  
175 16 subsections 3, 4, and 5; 97B.49F; 97B.49G; 97B.49H; 97B.50;  
175 17 97B.50A, subsections 2 and 3; 97B.52A, subsection 3; 97B.53,  
175 18 unnumbered paragraph 1; 97B.65; 97B.66; 97B.72; 97B.72A;  
175 19 97B.73; 97B.73A; 97B.74; 97B.80; 97B.80A; 97B.80B; 97B.80C;  
175 20 97B.81; 97B.82.

175 21 Sec. 287. ADMINISTRATIVE RULES == TRANSITION PROVISIONS.

175 22 1. Any rule, regulation, form, order, or directive  
175 23 promulgated by any state agency mentioned in this Act,  
175 24 including any agency abolished, merged, or altered in this  
175 25 Act, and in effect on the effective date of this Act shall  
175 26 continue in full force and effect until amended, repealed, or  
175 27 supplemented by affirmative action of the appropriate state  
175 28 agency under the duties and powers of state agencies as  
175 29 established in this Act and under the procedure established in  
175 30 subsection 2.

175 31 Any license or permit issued by any state agency mentioned  
175 32 in this Act, including any agency abolished, merged, or  
175 33 altered in this Act, and in effect on the effective date of  
175 34 this Act shall continue in full force and effect until  
175 35 expiration or renewal.

176 1 2. In regard to updating references and format in the Iowa  
176 2 administrative code in order to correspond to the  
176 3 restructuring of state government as established in this Act,  
176 4 the administrative rules coordinator and the administrative  
176 5 rules review committee, in consultation with the  
176 6 administrative code editor, shall jointly develop a schedule  
176 7 for the necessary updating of the Iowa administrative code.

176 8 Sec. 288. MISCELLANEOUS TRANSITION PROVISIONS.

176 9 1. Any personnel in the state merit system of employment  
176 10 who are mandatorily transferred due to the effect of this Act  
176 11 shall be so transferred without any loss in salary, benefits,  
176 12 or accrued years of service.

176 13 2. Any funds in any account or fund of a department  
176 14 eliminated due to the effect of this Act shall be transferred  
176 15 to the comparable fund or account as provided by this Act.

176 16 3. Any cause of action or statute of limitation relating  
176 17 to a department or division transferred to another department  
176 18 or division as provided by this Act shall not be affected as a  
176 19 result of the transfer and such cause or statute of limitation  
176 20 shall apply to the successor department or division.

176 21 4. Any replacement of signs, logos, stationery, insignia,  
176 22 uniforms, and related items that is made due to the effect of  
176 23 this Act should be done as part of the normal replacement  
176 24 cycle for such items.

176 25 Sec. 289. DEPARTMENT PROGRESS REPORTS. The department of

176 26 administrative services shall report to the committees on  
176 27 government oversight of the senate and house of  
176 28 representatives on or before each July 31 and January 31  
176 29 between July 1, 2003, and February 1, 2006, regarding the  
176 30 activities of the department in implementing the requirements  
176 31 of this Act, including but not limited to the department's  
176 32 decisions concerning which services should be provided solely  
176 33 by the department and which services should be available from  
176 34 a variety of providers.

176 35 Sec. 290. STATE ADMINISTRATIVE SERVICES == MISCELLANEOUS  
177 1 PROVISIONS.

177 2 1. As used in this section, unless the context otherwise  
177 3 requires:

177 4 a. "Agency" or "state agency" means as defined in section  
177 5 8A.101. "Agency" includes the state board of regents subject  
177 6 to the requirements of section 8A.122.

177 7 b. "Designated state service" means one of the following  
177 8 services provided to state agencies: printing, information  
177 9 technology, mail, human resource benefits and payroll,  
177 10 financial accounting, property management, fleet management,  
177 11 and purchasing services.

177 12 c. "Managed competition" means a process that allows both  
177 13 state agencies and other entities to submit competitive bids  
177 14 to provide designated state services, which process takes into  
177 15 account the true cost=accounting costs for state agencies.  
177 16 Managed competition may result in multiple providers, which  
177 17 may be state agencies or nongovernmental entities, of the same  
177 18 designated state service to state agencies. The use of  
177 19 managed competition shall not preclude the use of other  
177 20 entrepreneurial steps in any area.

177 21 2. The following duties relating to state administrative  
177 22 services shall be performed, subject to the requirements of  
177 23 chapter 8A, as provided by this subsection:

177 24 a. (1) The department of administrative services shall,  
177 25 pursuant to the requirements of this section, select a  
177 26 designated state service and conduct a pilot project to  
177 27 determine the feasibility of conducting a managed competition  
177 28 for delivery of the service and shall submit a report, with  
177 29 its findings and recommendations, to the legislative fiscal  
177 30 bureau and the committees on government oversight of the  
177 31 senate and house of representatives by July 1, 2005.

177 32 (2) In addition, the department of administrative services  
177 33 may, pursuant to the requirements of this section, determine  
177 34 how the designated state services of all executive branch  
177 35 agencies, community-based corrections districts, and other  
178 1 state governmental entities shall be delivered.

178 2 b. By July 1, 2005, the department of administrative  
178 3 services shall submit a request for proposals for a managed  
178 4 competition for printing services unless more efficient  
178 5 results can be obtained through the use of other  
178 6 entrepreneurial methods as authorized by chapter 8A. The  
178 7 request for proposals shall allow for the awarding of all or  
178 8 parts of printing services to the department or another  
178 9 governmental agency or nongovernmental entity.

178 10 c. By September 1, 2004, the department of administrative  
178 11 services, with the assistance of the department of management,  
178 12 shall conduct a comprehensive study of the impact of  
178 13 transferring all state agency employees delivering information  
178 14 technology services to the department of administrative  
178 15 services and of the impact of physically merging the data  
178 16 centers of the department, the state department of  
178 17 transportation, and the department of workforce development,  
178 18 into one data center. The study shall include an assessment  
178 19 of advantages and disadvantages, economies of scale, cost, and  
178 20 space availability, and shall solicit input from outside  
178 21 vendors, both public and private. The department shall report  
178 22 to the legislative fiscal bureau and the committees on  
178 23 government oversight of the senate and house of  
178 24 representatives on the department's findings and  
178 25 recommendations by November 1, 2004.

178 26 d. The department of administrative services may limit  
178 27 unified fleet management responsibilities to cars and small  
178 28 trucks. By July 1, 2005, the fleet management operations  
178 29 shall be subject to a managed competition process conducted by  
178 30 the department of administrative services unless more  
178 31 efficient results can be obtained through the use of other  
178 32 entrepreneurial methods as authorized by chapter 8A. The  
178 33 request for proposals shall allow for the awarding of all or  
178 34 parts of fleet management to the department of administrative  
178 35 services, other governmental agencies, or nongovernmental  
179 1 entities.

179 2 3. The auditor of state shall be consulted regarding the  
179 3 process for issuance of requests for proposals for managed  
179 4 competition. The role of the auditor of state is to provide  
179 5 advice as to whether an approach offers the best opportunity  
179 6 for reducing state government costs.  
179 7 Sec. 291.  
179 8 1. Sections 7A.15, 7A.16, 7A.17, 7A.18, 7A.19, 7A.21,  
179 9 7A.22, 7A.25, 7A.26, 7D.33, 218.89, 421.6, 421.31, 421.32,  
179 10 421.33, 421.34, 421.35, 421.36, 421.37, 421.38, 421.39,  
179 11 421.40, 421.41, 421.42, 421.43, 421.44, 421.45, Code 2003, are  
179 12 repealed.  
179 13 2. Chapters 14B, 18, and 19A, Code 2003, are repealed.  
179 14 Sec. 292. PREVAILING PROVISIONS. The provisions of House  
179 15 File 636 relating to legislative branch consolidation of  
179 16 functions, or a similar bill enacted by the Eightieth General  
179 17 Assembly, 2003 Regular Session, which provisions relate to  
179 18 official legal and other publications, procurements, special  
179 19 distribution of legal publications, and restrictions on free  
179 20 distributions by the legislative service bureau or its  
179 21 successor agency, shall prevail over any conflicting  
179 22 provisions of this Act.  
179 23 Sec. 293. EFFECTIVE DATE. The sections of this Act  
179 24 amending sections 8.63 and 70A.38, and enacting section  
179 25 8A.204, being deemed of immediate importance, take effect upon  
179 26 enactment.  
179 27  
179 28  
179 29

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CHRISTOPHER C. RANTS  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

180 3 I hereby certify that this bill originated in the House and  
180 4 is known as House File 534, Eightieth General Assembly.  
180 5  
180 6

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MARGARET THOMSON  
Chief Clerk of the House

180 10 Approved \_\_\_\_\_, 2003  
180 11  
180 12

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THOMAS J. VILSACK  
Governor